

Zoning District	Zoning Symbol	Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements		Minimum Transition Strip Requirements	Remarks
		Minimum Areas	Minimum Width	Maximum Coverage	Front	Side	Rear	Principal	Accessory		
Primary Agricultural	AG-1	1 acre	200 ft	10%	60 ft	10 ft	25 ft	2½ Story or 35 ft	80 ft	None	See 4.11.7 for maximum density regulations
Low Density Single Family	R-1	10,000 ft ²	100 ft	30%	35 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	Single family detached units with central sewer
		15,000 ft ²	120 ft	30%	35 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	Single family detached units without central sewer
		1 acre	120 ft	30%	35 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	All other uses
High Density Single Family	R-2	7,500 ft ²	60 ft	30%	25 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	Single family detached units with central sewer
		15,000 ft ²	120 ft	30%	25 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	Single family detached units without central sewer
		1 acre	120 ft	30%	25 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	All other uses
Two Family Townhouse	R-3	7,500 ft ²	60 ft	30%	25 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	Single family detached dwellings
		15,000 ft ²	90 ft	30%	25 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	Two family dwellings
		17,000 ft ²	120 ft	30%	25 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	Three family dwellings with central sewer
		19,000 ft ²	120 ft	30%	25 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	Four family dwellings with central sewer
		½ acre	120 ft	30%	25 ft	10 ft / 35 ft [⊠]	25 ft	2½ Story or 35 ft	25 ft	None	All other uses
Multiple Family	R-4	7,500 ft ²	60 ft	N/A	25 ft	10 ft / 35 ft [⊠]	25 ft	3 Story or 42 ft	25 ft	None	Single family detached dwellings
		10,000 ft ²	80 ft	N/A	25 ft	10 ft / 35 ft [⊠]	25 ft	3 Story or 42 ft	25 ft	None	Two family detached dwellings
		15,000 ft ²	120 ft	N/A	25 ft	10 ft / 35 ft [⊠]	25 ft	3 Story or 42 ft	25 ft	None	15,000 ft ² first 3 units; 2,000 ft ² each additional unit
		½ acre	120 ft	N/A	25 ft	10 ft / 35 ft [⊠]	25 ft	3 Story or 42 ft	25 ft	None	All other uses with central sewer
Mobile Home	R-5	10 acres	35 ft	15%	8 ft / 20 ft total	10 ft / 25 ft total	8 ft / 20 ft total	1 Story or 15 ft	15 ft	See R-5 District	Minimum site size of a MHP (with central sewer)
		5,000 ft ²		15%	8 ft / 20 ft total	10 ft / 25 ft total	8 ft / 20 ft total	1 Story or 15 ft	15 ft	See R-5 District	Mobile home site in a MHP
Local Neighborhood Commercial	C-1	10,000 ft ²	80 ft	25%	35 ft	20 ft / 35 ft [⊠]	35 ft	25 ft	25 ft	Fence, wall or hedge 4 to 6 ft, 15 ft wide if abutting a residential district	With central sewer
		15,000 ft ²	100 ft	25%	35 ft	20 ft / 35 ft [⊠]	35 ft	25 ft	25 ft	Fence, wall or hedge 4 to 6 ft, 15 ft wide if abutting a residential district	Without central sewer
General Highway Commercial	C-2	10,000 ft ²	80 ft	25%	35 ft	10 ft / 35 ft [⊠]	20 ft	35 ft	35 ft	Fence, wall or hedge 4 to 6 ft, 15 ft wide if abutting a residential district	With central sewer
		15,000 ft ²	100 ft	25%	35 ft	10 ft / 35 ft [⊠]	20 ft	35 ft	35 ft	Fence, wall or hedge 4 to 6 ft, 15 ft wide if abutting a residential district	Without central sewer
Light Industrial	I-1	20,000 ft ²	100 ft	25%	35 ft	20 ft / 35 ft [⊠]	20 ft	35 ft	35 ft	Buffer strip 5 ft wide and a solid masonry wall or fence not less than 6 ft but not greater than 8 ft in height if abutting a residential or commercial district	None
General Industrial	I-2	3 acres	300 ft	25%	50 ft	60 ft	20 ft	35 ft	35 ft	Buffer strip 5 ft wide and a solid masonry wall or fence not less than 6 ft but not greater than 8 ft in height if abutting a residential or commercial district	None

⊠Corner lots

SECTION 4.11 AREA, YARD, HEIGHT AND BULK REGULATIONS

4.11 AREA, YARD, HEIGHT AND BULK REGULATIONS

4.11.1 *Compliance with Regulations.*

- A. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
- B. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the districts in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- C. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

4.11.2 *Yard Measurements.*

- A. Lots which abut on more than one (1) street shall provide the required front yards along every street.
- B. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

4.11.3 *Lot Width.* Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirements shall not apply.

4.11.4 *Height Exceptions.* Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

- A. Height Limitations. The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances. Parapet walls, chimneys, smokestacks, church spires, flagpoles, communication towers, penthouses for mechanical equipment, and water tanks.
- B. Increased Height. Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection can be demonstrated.

4.11.5 *Utility Exemption.* Line and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.

4.11.5 *Accessory Structures.*

- A. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.
- B. All detached accessory structures in any district shall be subject to the same dimensional requirements affecting the principal structure, except, however, such accessory structure may be placed not less than six (6) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed twelve (12) feet in height.

4.11.6 *Distance Between Grouped Buildings.* In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling.

- A. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- B. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.
- C. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

4.11.7 *Schedule of Density Table for Use in the Agricultural District.*

- A. The following sliding scale density table shall be applied for land zoned AG-1, Agricultural:

<u>Area of Lot of Record</u>	<u>Maximum Number of Additional Lots/Condominium Units Permitted</u>
0 to 19.99 Acres.	4
20 Acres.	5
30 Acres.	6
40 Acres.	7
50 Acres.	8
60 Acres.	9
70 Acres.	10
80 Acres.	11
90 Acres.	12
100 Acres.	13
110 Acres.	14
120 Acres.	15
160 Acres.	16
200 Acres.	17
240 Acres.	18
280 Acres.	19
320 Acres.	20
360 Acres.	21
400 Acres.	22
440 Acres.	23

480 Acres.	24
520 Acres.	25
560 Acres.	26
600 Acres.	27
640 Acres.	28

Each Added 40 Acres Add 1 lot.

At no time shall any additional lots/condominium units be permitted beyond those set forth above.

- B. Where livestock is raised or kept, any structure for housing of livestock, or any storage of hay, feed, or manure, shall be located not less than fifty (50) feet from any property line.
- C. The maximum height of farm structures shall be eighty (80) feet.
- D. Except for household pets, the rearing and housing of farm animals is prohibited on areas of less than three (3) acres, provided, however, that the Board of Appeals may grant permission to rear and house farm animals, for non-commercial purposes for limited periods of time.
- E. See the Michigan State Plat Act (Act 288) for additional regulations regarding division of lots.

ORDINANCE NO. 2

Nuisance Ordinance

An ordinance to provide for the exercise of certain municipal powers of the Charter Township of Madison to promote the health, safety, and welfare of persons and property in the Township by defining and prohibiting public nuisances and to provide penalties for the violation of the provisions thereof.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This ordinance shall be known as the Madison Charter Township Nuisance Ordinance.

Section 2. Definitions

Unless the context indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- 2.1. "Appliance" shall mean any mechanism which is operated by gas, electric current or motor, including, but not limited to, an ice box, refrigerator, or stove.
- 2.2. "Garbage" shall mean all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
- 2.3. "Person" shall mean and include persons, corporations, partnerships associations, joint stock companies, societies and all other entities of any kind capable of being sued.
- 2.4. "Regulated swimming pool" shall mean any swimming pool or spa, whether above-ground or wholly or partially in-ground, having a depth greater than two feet (2').
- 2.5. "Rubbish" shall mean dirt, leaves, grass trimming, tin cans, wastepaper, ashes, straw, shavings, junk and in general, non-putrescible wastes, normally incident to the lawful use of the premises on which accumulated.

Section 3. Nuisance Defined and Prohibited

Whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or

stream; or in any way renders the public insecure in life and property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by a provision by this ordinance. No person shall commit, create or maintaining any public nuisance.

Section 4. Littering and Accumulation of Garbage, Rubbish, and Other Material

No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, rubbish, wash water or other noxious or unsightly material which interferes with the operation and use of motor vehicles in streets, alleys or public places. It shall be the duty of every owner and/or occupant of property to at all times maintain the premises, in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises, unless stored or accumulated as hereinafter provided. It shall be the duty of every owner and/or occupant of property to place any rubbish and/or garbage accumulated or stored outside of a dwelling or building of any premises in containers which shall be placed at the rear or side of buildings in a place which is reasonable inconspicuous and away from street and places occupied by other persons. Such containers, when used for the storage or accumulation of garbage or rubbish which is contaminated by garbage shall be constructed of nonabsorbent materials, shall be kept in a clean and sanitary condition and shall be covered. Such containers used for the accumulation and storage of rubbish shall be covered if there is a likelihood that rubbish will be carried therefrom by wind or other natural causes. Garbage and rubbish accumulated as aforesaid must be disposed of within a reasonable period of time in a manner not inconsistent with the provisions of this ordinance.

Section 5. Abandoned or Inoperable Appliances

It shall be the duty of the owner and/or occupant of every premises to keep dismantled, partially dismantled or inoperative appliances which shall be stored, placed or permitted to be stored or placed on premises owned or occupied by him, in a wholly enclosed garage or other wholly enclosed structure. Provided further, that the owner and/or occupant of every premises shall not leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an air tight door, or lock which may not be released or opened from the inside of said icebox or refrigerator or container unless the said lock or door has been removed therefrom.

Section 6. Swimming Pools

It shall be the duty of the owner and/or occupant of every premises to maintain any regulated swimming pool on the premise in accordance with all applicable building and construction codes. Further it shall be the duty of the owner and/or occupant of every premises to make safe any abandoned and unused regulated swimming pool by filling-in, dismantling or removing any regulated swimming pool.

Section 7. Cutting and Removing of Grass, Weeds and Other Poisonous or Harmful Vegetation

- 7.1. No person owning and/or occupying any premises within the Township shall fail to keep cut down any grass, ragweed, Canada thistles, burdocks, crabgrass, quack grass, wild-growing bushes, wild carrots, purple loosestrife, or other noxious weeds growing on property occupied or owned by him or growing on the portion of a street which adjoins property occupied or owned by the person.
- 7.2. It shall be the duty of the owner and/or occupant of any premises in the Township to cut, remove, or destroy by lawful means, all such weeds and grass as often as may be necessary to comply with the provisions of subsection (a) of this section. Any such weeds or grass which attain a height of eight (8) inches are hereby declared to be a public nuisance.
- 7.3. It shall be the duty of the owner and/or occupant of any premises in the Township to keep the premises free from accumulations of brush or other vegetation. Brush or other vegetation that is permitted to accumulated on the premises for a period is excess of three (3) months is hereby declared to be a public nuisance.
- 7.4. If the provisions of this section are not complied with the Township may:
 - a. Cause such weeds, grass or other vegetation to be cut, removed or destroyed or
 - b. Remove any accumulations of brush and other vegetation.
- 7.5. Notice of the provisions of this section shall be published in a newspaper circulating within the Township once each month during the months of May through September of each year, which notice is deemed and declared to be adequate and sufficient notice to all persons affected hereby and the notice provisions of Section 9 of this ordinance shall not apply.

Section 8. Duty of Owner, Lessee or Occupant

It shall be the duty of any owner and/or occupant of any land within the Township to abate any nuisance existing on property located within the Township under the owner's, and/or or occupant's control. This includes the removal of all forbidden items as set forth above and the cutting and removing by lawful means all such brush, weeds, grass or other poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this ordinance.

Section 9. Township to Do Work

Unless otherwise provided for in this ordinance, if any owner and/or occupant of any land within the Township, fails to comply with the provisions of this ordinance, the Township

Board shall, by its designated representative, serve either personally, or by certified or regular mail, written notice upon the owner and/or occupant or any person having the care or control of any such land to comply with the provisions of this ordinance. If the person upon whom the notice is served fails to abate the nuisance within seven (7) days after receipt of such notice, or if no owner can be found of such land, the Township Board shall cause the nuisance to be abated.

Section 10. Recovery of Costs by Township

- 10.1. If the Township incurs any costs in the process of abating any nuisance under this ordinance, the sum of one hundred sixty dollars (\$160) or the actual cost incurred by the Township in doing so, which ever is greater, together with a twenty-five dollar (\$25) administration fee, shall be charged against the owner and/or occupant of the premises where the nuisance existed.
- 10.2. The amount owed to the Township shall be collected in the manner specified in the in Ordinance ~~10~~, the Single Lot Special Assessment Ordinance of the Charter Township of Madison.

Section 11. Penalties and Remedies for Violations

- 11.1. Any person violating any provision of this ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 29, the Charter Township Municipal Ordinance Violations Bureau Ordinance.
- 11.2. In addition to the foregoing, any violation of this ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

Section 12. Severability

If any court of law of equity within the State of Michigan determines that any provision within this ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same section and other sections of this ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 13. Repealer

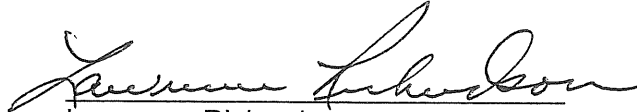
The Township's prior Nuisance and Junk Ordinance, Ordinance No. 2, which was adopted on July 30, 1979 and last amended on February 12, 2013, is repealed in its entirety and this ordinance shall hereafter be Ordinance No. 2.

Section 14. Effective Date

This ordinance shall become effective thirty (30) days after its adoption.

Yeas: Richardson, Harper, Bovee, Rodgers, Daniels, Roback &
Nays: None Liedel
Absent: None

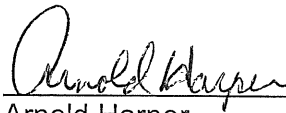
Ordinance declared adopted on July 8, 2014.



Lawrence Richardson
Supervisor for the
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Arnold Harper, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on July 8, 2014 and published in the Daily Telegram, a newspaper circulated in the Charter Township of Madison on July 16, 2014.



Arnold Harper
Township Clerk for the
Charter Township of Madison

ORDINANCE NO. 3

DANGEROUS BUILDINGS ORDINANCE

An ordinance to promote the health, safety and welfare of the people of Charter Township of Madison, Lenawee County, Michigan by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain building and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Charter Township of Madison Dangerous Buildings Ordinance.

Section 2. Definitions of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein:

- 2.1 "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
- a. A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code or Township Building Code.
 - b. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being section 125.401 et seq. of the Michigan Compiled Laws, or the Township Building Code for a new building or structure, purpose or location.
 - c. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.

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- d. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, or the Township Building Code.
- e. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- f. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
- g. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables person to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- h. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
- i. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- j. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being Sections 339.2501 et seq. of the Michigan Compiled Laws, or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:
 - (1) A building or structure as to which the owner or agent does both of the following:
 - (a) Notifies the Township Police Department or the County Sheriff's Department (delete one) that the building or structure

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will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(b) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq of the Michigan Compiled Laws, or the Township Building Code.

(2) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Township Police Department or County Sheriff's Department (delete one) that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Township Police Department or the County Sheriff's Department (delete one) not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

2.2 "Enforcing agency" means this Township, through the Township Building Official and/or such other official(s) or agency as may be designated by the Township Board to enforce this ordinance.

2.3 "Township Building Code" means the building code administered and enforced in the Township pursuant to the State Construction Code Commission Act, Act No. 230 of the Public Acts of 1972, as amended, being section 125.1501 et seq. of the Michigan Compiled Laws.

Section 3. Prohibition of Dangerous Buildings

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

Section 4. Notice of Dangerous Building; Hearing

4.1 *Notice Requirement.* Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

4.2 *Parties Entitled to Notice.* The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the township.

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- 4.3 *Contents of Notice.* The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained
- 4.4 *Service of Notice.* The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

Section 5. Dangerous Building Hearing Officer; Duties; Hearing; Order

- 5.1 *Appointment of Hearing Officer.* The Hearing Officer shall be appointed by the Township Supervisor to serve at his or her pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.
- 5.2 *Filing Dangerous Building Notice with Hearing Officer.* The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- 5.3 *Hearing Testimony and Decision.* At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- 5.4 *Compliance with Hearing Officer Order.* If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section II.A.10. of this ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees and shrubs.
- 5.5 *Noncompliance with Hearing Officer Order/Request to Enforce Order.* If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5d of this ordinance, the Hearing Officer shall file a report of

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the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the Township Board has established a Dangerous Building Board of Appeals pursuant to Section 9 of this ordinance, the Hearing Officer shall file the report of the findings and a copy of the order with the Board of Appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section 4d. of this ordinance.

Section 6. Enforcement Hearing Before the Township Board or Dangerous Building Board of Appeals

The Township Board, or the Dangerous Building Board of Appeals as applicable, shall fix a date not less than 30 days after the hearing prescribed in Section 5c. of this ordinance for a hearing on the findings and order of the Hearing Officer prescribed in Section 4d. of this ordinance of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The Township Board or the Board of Appeals shall either approve, disapprove or modify the order. If the Township Board or the Board of Appeals approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board or the Board of Appeals determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

Section 7. Implementation and Enforcement of Remedies

- 7.1 *Implementation of Order by Township.* In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, or the Board of Appeals, as applicable, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- 7.2 *Reimbursement of Costs.* The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.
- 7.3 *Notice of Costs.* The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the township assessor of the amount of the costs of the demolition, of making the building safe,

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or of maintaining the exterior of the building or structure or ground adjoining the building or structure, by first class mail at the address shown on the Township records.

- 7.4 *Lien for Unpaid Costs.* If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single family dwelling or a two family dwelling, the township shall have a lien for the costs incurred by the township to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.
- 7.5 *Court Judgment for Unpaid Costs.* In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or ground adjoining the building or structure. In the case of a single family dwelling or a two family dwelling, the township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.
- 7.6 *Enforcement of Judgment.* A judgment in an action brought pursuant to Section 8e. of this ordinance may be enforced against assets of the owner other than the building or structure.
- 7.7 *Lien for Judgment Amount.* In the case of a single family dwelling or a two family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section 8e of this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

Section 8. Penalty for Nonconformance with Order

A person who fails or refuses to comply with an order approved or modified by the Township Board, or Board of Appeals, as applicable, under Section VI of this ordinance within the time prescribed by that section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days and/or a fine of not more than \$500.

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Section 9. Dangerous Building Board of Appeals

- 9.1 *Establishment and Duties.* The Township Board may establish a Dangerous Building Board of Appeals to hear all of the cases and carry out all of the duties of the Township Board described in Section 6 of this ordinance. If the Township Board establishes a Board of Appeals, the establishment and operation of the Board of Appeals shall be controlled by the following provisions of this section.
- 9.2 *Membership.* The Board of Appeals shall be appointed by the Township Board and shall consist of the following members:
- a. A building contractor;
 - b. A registered architect or engineer;
 - c. Two members of the general public;
 - d. An individual registered as a building official, plan reviewer or inspector under the Building Officials and Inspectors Registration Act, Act No. 54 of the Public Acts of 1986, being Section 338.2301 et seq. of the Michigan Compiled Laws. The individual may not be an employee of the enforcing agency.
- 9.3 *Terms.* Board of Appeals members shall be appointed for three years, except that of the members first appointed, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.
- 9.4 *Officers.* The Board of Appeals annually shall select a chairperson, vice chairperson and other officers that the Board of Appeals considers necessary.
- 9.5 *Quorum and Final Action Votes.* A majority of the Board of Appeals members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the board members appointed and serving.
- 9.6 *Compensation and Expenses.* The Township Board shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board of Appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the Township Board.
- 9.7 *Open Meetings Act Applicable.* A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Act No.267 of the Public Acts of 1976, an amended, being Section 15.261 et seq. of the Michigan Compiled Laws. Public

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notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act.

- 9.8 *Freedom of Information Act Applicable.* A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended, being Section 15.231 et seq. of the Michigan Compiled Laws.

Section 10. Appeal from Township Board or Board of Appeals Decision

An owner aggrieved by any final decision or order of the Township Board, or the Board of Appeals, as applicable, under Section VI of this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Section 11. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 12. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

Section 13. Effective Date

This ordinance shall take effect 30 days after publication as required by law.

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Ordinance 4
Charter Township of Madison, Michigan
Sewer Use and Rate Ordinance

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Amended: June 11, 2002
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ORDINANCE 4
SEWER USE AND RATE ORDINANCE

An Ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 194, as amended, and Act 191 of the Public Acts of 1939, as amended, to regulate private and Public Sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the publicly operated treatment works and to provide for pollutant limitations, data collection, monitoring and sampling, and to preserve, promote and protect the health, safety and general welfare of the person and property within the Charter Township of Madison; and to provide for enforcement hereof; and to provide for penalties and remedies for the violation thereof, in the Charter Township of Madison, County of Lenawee, State of Michigan. This Ordinance defines the requirements for all single and non-single family residences. Non-single residences include attached condominiums, apartments, stores, offices, restaurants, and industries, all of which must meet the industrial pretreatment requirements of this Ordinance.

The Charter Township of Madison, Lenawee County, Michigan Ordains:

Section 1 Purpose.

The objectives of this Ordinance are:

- 1.1 to prevent the introduction of pollutants into the wastewater system, which will interfere with the normal operation of the system or contaminate the resulting municipal sludge; to prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- 1.2 to improve the opportunity to recycle and reclaim wastewater and sludge from the system to provide for equitable distribution of the cost of the municipal wastewater system.

Section 2 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- 2.1 Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- 2.2 Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (a) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (b) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates, or for environmental matters of the company. Authorization for this representative must be submitted in writing to the Township by the individual designated in (a) or (b) hereof.
- 2.3 Available Public Sanitary Sewer System . A public sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than two hundred (200) feet of the property line.

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- 2.4 Backflow. Water of questionable quality, wastes or other contaminants entering a public water supply system due to reversal of flow.
- 2.5 Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter).
- 2.6 Building Drain. That part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five (5) feet outside the inner face of the building wall.
- 2.7 Building Sewer. The extension from the building drain to the Public Sewer or other place of disposal.
- 2.8 Bypass. The intentional diversion of waste streams from any portion of a User's pretreatment facility.
- 2.9 Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- 2.10 Chemical Oxygen Demand (COD). A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.
- 2.11 Collection System. That portion of the POTW which is comprised of all pump stations, forced mains, sanitary sewers that collect and transport sewage to the Treatment Plan.
- 2.12 Combined Sewer. A sewer receiving both surface runoff and sewage.
- 2.13 Commercial Waste. A liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.
- 2.14 Compatible Pollutant. A substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, and fats, oils, and greases of animal or vegetable origin.
- 2.15 Composite Sample. A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.
- 2.16 Connection Fees. The charges imposed by the Township to connect a Building Sewer, either directly or indirectly to the Public Sewer.
- 2.17 Cooling Water. The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- 2.18 Cross Connection. A connection or arrangement of piping or appurtenances through which a backflow could occur.
- 2.19 Debt Service Charge. Charges levied to customers of the wastewater system which are used to pay principal, interest, and administrative costs of retiring the debt incurred for construction of the sewer system. The debt service charge shall be in addition to the user charge specified below.

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- 2.20 Direct Connection. The connection of the Building Sewer directly to the Public Sewer.
- 2.21 Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State.
- 2.22 Dwelling Unit. For purposes of assigning units, a "dwelling" unit shall contain, at a minimum: sleeping facilities, a toilet, bath or shower, and a kitchen.
- 2.23 Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, Administrator or other duly authorized official.
- 2.24 Garbage. Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- 2.25 Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- 2.26 Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 2.27 Incompatible Pollutants. Any pollutant which is not a compatible pollutant.
- 2.28 Indirect Connection. The connection of a Building Sewer to an extension of the public sewer system that is installed and paid for by special assessment or private funds, which extension is, after construction, turned over to the Township and becomes part of the Public Sewer (e.g., if a developer constructs sanitary sewers in a plat and connects the sewer line to the public sewer system, the connection of each lot in the plat would be an Indirect Connection).
- 2.29 Indirect Discharge. The discharge or the introduction of nondomestic pollutants into the POTW (including holding tank waste discharged into the system).
- 2.30 Industrial Wastes. The wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.
- 2.31 Infiltration. The waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.
- 2.32 Infiltration/Inflow. The total quantity of water from both infiltration and inflow.
- 2.33 Inflow. Any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.
- 2.34 Inspector. Any person or persons authorized by Madison Township to inspect and approve the installation of Building Sewers and their connection to the public sewer system and who may be the Operator.
- 2.35 Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of Madison Township's NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.
- 2.36 Laboratory Determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such

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measurement, test, or analysis of "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this division.

- 2.37 Lateral Line. That portion of the public sewer system located between the grinder pump and the Trunk Line located within the easement for the grinder pump and which collects sewage from a particular property for transfer to the Trunk Line.
- 2.38 National Categorical Pretreatment Standard or Pretreatment Standard. Any Federal regulation containing pollutant discharge limits promulgated by the U.S. EPA, which applies to a specific category of Industrial Users.
- 2.39 National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- 2.40 National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- 2.41 Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 2.42 New Source. Any building, structure, facility, or installation from which there is or may be a discharge and for which construction commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act will be applicable to the source if the standards are thereafter promulgated in accordance with Section 307(c), and if any of the following provisions apply:
 - 2.42.1 The building, structure, facility, or installation is constructed at a site where no other source is located;
 - 2.42.2 The building, structure, facility, or installation totally replaces the process or production equipment that causes discharge of pollutants at an existing source; or
 - 2.42.3 Production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.

Construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. (Construction on a site at which an existing source is located results in a modification, rather than a New Source, if the construction does not create a new building, structure, facility or installation meeting the criteria of items b) or c) above but otherwise alters, replaces, or adds to existing process or production equipment.)

- 2.43 Normal Domestic Sewage (NDS). Wastewater which, when analyzed, shows a daily average concentration of not more than three hundred (300) mg/l of BOD; nor more than three hundred (300) mg/l of suspended solids; nor more than ten (10) mg/l of phosphorus; nor more than one hundred (100) mg/l of fats, oils, and grease; nor more than twenty (20) mg/l of ammonia-nitrogen.
- 2.44 Obstruction. Any object of whatever nature that substantially impedes the flow of sewage from the point of origination to the Trunk Line. This shall include, but not be limited to objects, sewage, tree roots, rocks, and debris of any type.
- 2.45 Operation and Maintenance. All work, materials, equipment, utilities, and other effort required to operate and maintain the wastewater transportation and treatment system consistent with ensuring

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adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable State and Federal regulations, and includes the cost of replacement.

- 2.46 Owner. An owner or owners of record or owners of record of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building.
- 2.47 Operator. The Madison Township wastewater treatment plant operator or authorized representative.
- 2.48 Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents, or assignees. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- 2.49 Pollutant. Any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal, and agricultural wastes which impair the purity of the water and soil.
- 2.50 Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 2.51 POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- 2.52 Premises. The particular property connected or to be connected to the system and includes appurtenant land and improvements.
- 2.53 Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).
- 2.54 Pretreatment Requirements. Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW, including National Categorical Pretreatment Standards.
- 2.55 Private Sewer Lines. All service lines and equipment for the disposal of sewage installed or located on any property outside of any easement controlled by the Township, from the property line or easement line to and including any structure or facility which exists on the property.
- 2.56 Process Flow. Wastewater, from a non-residential source, that has been in contact with an end product or with materials incorporated into an end product.
- 2.57 Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (½) inch in any dimension.
- 2.58 Property. Property shall mean a lot containing:
- 2.58.1 one residential, commercial or industrial structure, or
 - 2.58.2 a condominium unit, or
 - 2.58.3 a commercial or industrial structure located on a lot having more than one structure which is

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either connected to or required to be connected to the Wastewater Disposal System.

- 2.59 Property Owner. The owner of the property which abuts the street, private roads, shared private drives, and easements.
- 2.60 Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by Madison Township sewer system and treatment plant. The POTW is comprised of two components, the Collection System and the Treatment Plant. This definition includes any pump stations, forced mains, sanitary sewers and treatment facilities. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, Users of the Township's Public Sewer.
- 2.61 Public Sewer. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- 2.62 Replacement. The replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable State and Federal regulations.
- 2.63 Residential Equivalent Unit (REU). That measure of potential wastewater discharge equal to the quantity normally generated by occupants of a residence by a single family of average size. REU factors for other types of occupancy and use shall be determined in the Table of Unit Factors passed by Resolution of the Township Board.
- 2.64 Sanitary Sewage. A liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses, or industrial plants.
- 2.65 Sanitary Sewer. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 2.66 Severe Property Damage. Substantial physical damage to property, damage to the User's pretreatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.
- 2.67 Sewer. A pipe or conduit for carrying sewage.
- 2.68 Sewer Service Charge. The sum of the applicable user charge and/or surcharges.
- 2.69 Shall is mandatory; May is permissive.
- 2.70 Significant Industrial User. Any Industrial User of the Township's wastewater disposal system who (a) is subject to National Categorical Pretreatment Standards; (b) has a discharge flow of 25,000 gallons or more per average work day; or (c) has a flow greater than five (5) percent of the flow in Madison Township's wastewater treatment system; or (d) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act State Statutes and rules; or (e) is found by the Township, Michigan Department of Environmental Quality, or the U.S. Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- 2.71 Significant Noncompliance. One or more of the following:
- 2.71.1 Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent

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or more of all the measurements for a pollutant parameter taken during a six (6) month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;

- 2.71.2 Technical Review Criteria (TRC) violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a six (6) month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil, and
 - 2.71.3 Any other violation of a daily maximum limit or an average limit that the Madison Township Wastewater Treatment Operator determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of POTW personnel or the general public
 - 2.71.4 Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the POTW exercising its emergency authority to halt or prevent such a discharge;
 - 2.71.5 Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Township issued discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - 2.71.6 Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, and/or reports on compliance with compliance schedules;
 - 2.71.7 Failure to accurately report noncompliance; and
 - 2.71.8 Any other violation, or group of violations, which the Supervisor or Operator determines as adversely affecting operation or implementation of Madison Township's pretreatment program.
- 2.72 Slug Load. Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
- 2.73 Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- 2.74 State. State of Michigan.
- 2.75 Storm Sewer or Storm Drain. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- 2.76 Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 2.77 Supervisor. Township Supervisor or authorized representative.
- 2.78 Surcharge. As part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by the Township shall be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.

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- 2.79 Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- 2.80 Township or Madison Township. The Charter Township of Madison, County of Lenawee, Michigan, its agents and employees.
- 2.81 Township Board. The Board of Trustees of the Charter Township of Madison.
- 2.82 Toxic Pollutant. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- 2.83 Treatment Plant. That portion of the POTW which receives the sewage transported in the Collection System and treats the sewage prior to discharging into a receiving stream in the State of Michigan.
- 2.84 Trunk Line. The main public sewer line located under any street or within any street right-of-way which collects and transmits the sewage of the various properties served by the public sewer system.
- 2.85 Uncontaminated Industrial Waste. Wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.
- 2.86 Upset. An exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards or local Pretreatment Requirements or Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 2.87 User. Any person who contributes, causes, or permits the contribution of wastewater into the POTW.
- 2.88 User Charge. A charge levied on users of a treatment works for the cost of operation and maintenance of Sewage Works pursuant to Section 204(b) of PL 92-500 and includes the cost of replacement and may be used for debt repayment.
- 2.89 User Class. The kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional, and governmental.
- 2.89.1 Residential User. User of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).
- 2.89.2 Industrial User. User who discharges "industrial wastes" as defined in this Ordinance.
- 2.89.3 Commercial User. An establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
- 2.89.4 Institutional User. Any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

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- 2.89.5 Governmental User. Any Federal, State, or local government user of the publicly owned treatment works.
- 2.90 Wastewater. The liquid and water-carried industrial or domestic wastes from dwelling units, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- 2.91 Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
- 2.92 Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Section 3 Abbreviations.

The following abbreviations shall have the designated meanings:

- 3.1 *BOD*: Biochemical Oxygen Demand
- 3.2 *CFR*: Code of Federal Regulations
- 3.3 *COD*: Chemical Oxygen Demand
- 3.4 *CWA*: Clean Water Act
- 3.5 *l*: liter
- 3.6 *mg*: milligrams
- 3.7 *mg/l*: milligrams per liter
- 3.8 *MDEQ*: Michigan Department of Environmental Quality
- 3.9 *NDS*: Normal Domestic Sewage
- 3.10 *NPDES*: National Pollutant Discharge Elimination System
- 3.11 *O & M*: Operation and Maintenance
- 3.12 *P*: Phosphorus *POTW*: Publicly Owned Treatment Works
- 3.13 *REU*: Residential Equivalent Unit
- 3.14 *SIC*: Standard Industrial Classification
- 3.15 *SICM*: Standard Industrial Classification Manual
- 3.16 *SS*: Suspended Solids
- 3.17 *SWDA*: Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- 3.18 *U.S. EPA*: United States Environmental Protection Agency

Section 4 Sewer Committee.

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- 4.1 There shall be formed a committee to be known as the Sewer Committee of Madison Township.
- 4.2 It shall be the function of the Sewer Committee to perform the duties assigned to it by virtue of this ordinance and the other duties delegated to it by the Township Board. All actions of the Sewer Committee shall be subject to the review and approval of the Township Board.
- 4.3 The Sewer Committee shall consist of five property owners of the Township whom shall be appointed by the Township Supervisor with approval of the Township Board and one of whom shall be a member of the Township Board.
- 4.4 The term of each member of the committee shall be two years. Members may be removed by the Township Supervisor after a hearing with the approval of the Township Board. All vacancies for unexpired terms shall be filled for the remainder of such terms.

Section 5 Supervision and Control.

The operation and maintenance of the system shall be under the supervision and control of the Sewer Committee subject to approval by the Township Board. Where applicable, the supervision and control shall also be exercised pursuant to the terms of the contract between the County of Lenawee and the Township of Madison dated January 17, 1978. Further, Madison Township may employ such person or persons necessary for the operation and maintenance of the system.

Section 6 Establishment of Rates.

Madison Township retains the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service and in such capacity the Township may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges.

Section 7 Unsanitary Deposits, Discharge to Natural Outlets Prohibited

- 7.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township, or in any area under the jurisdiction of said Township, any human or animal excrement, garbage, or other objectionable waste.
- 7.2 It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the Sewer Committee.
- 7.3 It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, unless specifically permitted by the Sewer Committee or as hereinafter provided.
- 7.4 The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this article, within one hundred eighty (180) days after date of official notice to do so, provided said public sewer is within two hundred (200) feet of the property line.
- 7.5 At the time of connection, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.

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- 7.6 When the premises are not connected to an available Public Sewer within the time specified in this Section, the Township shall require the connection to be made immediately after notice, which may be by first class or certified mail to the owner of the property or by posting on the property.
- 7.6.1 The notice shall give the approximate location of the public sanitary sewer system which is available for connection and shall advise the owner of the requirements and enforcement provisions of State law and any applicable Ordinance and regulation.
- 7.6.2 Where premises are not connected to an available public sanitary sewer system within ninety (90) days after the date of mailing or posting of the written notice, the Township shall bring an action for a mandatory injunction or order in the Lenawee County Circuit Court to compel the owner to connect to the available sanitary sewer system immediately.
- 7.7 Unless the premises exists when this Ordinance is passed, the Township shall not issue a land use permit for construction of such structure until and unless the property on which such structure is located is being specially assessed by the Township for the sanitary system or:
- 7.7.1 The Township Board approves the connection to the system;
- 7.7.2 The property owner complies with all requirements of this Ordinance;
- 7.7.3 There is sufficient excess capacity in the system to permit the connection; and
- 7.7.4 The property owner pays in advance the connection charges approved by the Township.

Section 8 Process Wastewater

8.1 *Wastewater Contribution Information.* Any industry or structure discharging process flow to the Sanitary Sewer, storm sewer, or receiving stream shall file the information listed below with the Supervisor. Any industry which does not normally discharge to the Sanitary Sewer, storm sewer, or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the information listed below.

The Supervisor may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the information listed below on a disclosure form prescribed by the Township.

- 8.1.1 Name, address, and location (if different from the address).
- 8.1.2 SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- 8.1.3 Wastewater constituents and characteristics including but not limited to those mentioned in Section 8 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
- i "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition; or "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition; or
 - ii "Annual Book of Standards, Part 131, Water, Atmospheric Analysis," American Society of Testing Materials, current edition.
- 8.1.4 Time and duration of contribution.

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- 8.1.5 Average daily wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- 8.1.6 Industries identified as Significant Industrial Users or those required by the Township must submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
- 8.1.7 Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- 8.1.8 Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, State, or Federal Pretreatment Requirements, and a statement regarding whether or not the Pretreatment Requirements are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required by the Industrial User to meet applicable Pretreatment Requirements. New sources shall include information on any pretreatment methods they intend to use and provide estimates on discharge flow and pollutant concentrations.
- 8.1.9 If additional pretreatment and/or O&M will be required to meet the Pretreatment Requirements, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - i The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Requirements;
 - ii No increment referred to in Paragraph (1) shall exceed nine (9) months;
 - iii Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Supervisor including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Supervisor.
- 8.1.10 Each product produced by type, amount, process or processes, and rate of production.
- 8.1.11 Type and amount of raw materials processed, average and maximum per day.
- 8.1.12 Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
- 8.1.13 Any other information as may be deemed by the Township to be necessary to evaluate the impact of the discharge on the POTW.
- 8.1.14 The disclosure form shall be signed by a principal executive officer of the User and a qualified engineer.
- 8.1.15 The Township will evaluate the complete disclosure form and data furnished and may require additional information. Within ninety (90) days after full evaluation and acceptance of the data furnished, the Township shall notify the User of the acceptance thereof.

8.2 *Discharge Conditions.* Wastewater discharges shall be expressly subject to all provisions of this

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Ordinance, and all other applicable regulations, User Charges, and fees established by the Township. The Township may:

- 8.2.1 Set unit charges or a schedule of User Charges and fees for the wastewater to be discharged to the POTW;
- 8.2.2 Limit the average and maximum wastewater constituents and characteristics;
- 8.2.3 Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
- 8.2.4 Require the installation and maintenance of inspection and sampling facilities;
- 8.2.5 Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- 8.2.6 Establish compliance schedules;
- 8.2.7 Require submission of technical reports or discharge reports;
- 8.2.8 Require the maintaining, retaining, and furnishing of plant records relating to wastewater discharge as specified by the Township, and affording Township access thereto, and copying thereof;
- 8.2.9 Require prompt notification of the Township in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- 8.2.10 Require immediate notification of all discharges that could cause problems to the POTW, including slug discharges;
- 8.2.11 Require other conditions as deemed appropriate by the Township to ensure compliance with this Ordinance;
- 8.2.12 Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities;
- 8.2.13 Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes;
- 8.2.14 Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based Pretreatment Requirements;
- 8.2.15 Control through permit, order, or similar means, the contribution to the POTW by each User to ensure compliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements. The control mechanism may limit duration to a maximum of five (5) years, require nontransferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements, and contain a statement of applicable penalties for violations;
- 8.2.16 Adjust National Categorical Pretreatment Standards to reflect the presence of pollutants in a User's intake water.

8.3 *Baseline Reports.*

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8.3.1 Within one hundred eighty (180) days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected Industrial Users must submit to the Township the information specified by 40 CFR, Section 403.12(b), Paragraphs (1)-(7).

8.3.2 At least ninety (90) days prior to commencement of discharge, New Sources and sources that become affected Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the Township the information specified by 40 CFR, Section 403.12(b), Paragraphs (1)-(5). New Sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable Pretreatment Standard, and shall give estimates of the required information regarding flow and pollutant discharge.

8.4 *Compliance Date Report.* Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Supervisor a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. For Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedure in 40 CFR 403.6(c), this report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the Industrial User's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an Authorized Representative of the Industrial User, and certified by a qualified representative.

8.5 *Periodic Compliance Reports.*

8.5.1 Any user or New Source discharging into the POTW, shall submit to the Township during the months of June and December, unless required more frequently in the Pretreatment Standard, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 8.1.5. At the discretion of the Township and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted.

8.5.2 Madison Township may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by Section 8.5.1 of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.

8.5.3 If a User, subject to reporting requirements, monitors any pollutant more frequently than required by the Township, using Standard Laboratory Procedures, the results of this additional monitoring shall also be included in the Periodic Compliance Report.

8.5.4 If sampling performed by a User indicated a violation, the User shall notify the Township within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results of re-analysis to the Township within 30 days after becoming aware of the violation, except when the Township will be performing scheduled

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surveillance sampling/analysis within this thirty- (30) day period.

- 8.6 *Notification of Hazardous Waste Discharges.* All Users shall notify the Supervisor, the POTW, U.S. EPA Regional Waste Management Division Director, and the State Hazardous Waste Authority in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 CFR 261 if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR 403.12(p). In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must provide notification of the discharge of such substance within ninety (90) days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the User shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- 8.7 *Monitoring Facilities.* The Township may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Building Sewer and/or internal drainage systems. For commercial users located within strip malls, each business may be required to construct individual monitoring facilities. The monitoring facility should normally be situated on the User's premises, but the Township may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Township, and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Township.
- 8.8 *Inspection and Sampling.* The Township shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and the User is complying with all requirements. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying, or in the performance of any of their duties. The Township, MDEQ, and U.S. EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township, MDEQ, U.S. EPA, or designated representative will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- 8.9 *Pretreatment.* Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Township. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the User's initiation of the changes.

The Township will annually publish in the major local newspaper a list of the Users which were in

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Significant Noncompliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the U.S. EPA or MDEQ upon request.

- 8.10 *Confidential Information.* Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES Permit, or the Pretreatment Programs provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten (10) day notification is given to the User.

- 8.11 *Signatory Requirements.* All reports required by this Section shall be signed by the Authorized Representative of Industrial User and include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If the Authorized Representative of Industrial User changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of Section 2.3 must be submitted to the Township prior to or together with any reports to be signed by that representative.

Section 9 Private Sewage Disposal.

- 9.1 Where a Public Sewer is not available, the Building Sewer shall be connected to an approved private sewage disposal system. Such system shall be constructed in accordance with procedures, rules and regulations established by the Lenawee County Health Department.
- 9.2 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Lenawee County Health Department. No septic tank or cesspool shall be permitted to discharge to any Public Sewer or natural outlet.
- 9.3 At such time as a Public Sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the Public Sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary

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use and filled with a suitable material.

- 9.4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
- 9.5 No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.
- 9.6 All private sewage systems shall be constructed in accordance with the latest edition of the "Ten State Standards."

Section 10 Public Sewer Connections.

- 10.1 All occupied structures serving residential and non-residential uses that are located on property within two hundred (200) feet of the public sanitary sewer system must connect their facilities internal sewage system to the public sanitary sewage system within ninety (90) days of receiving notice from the Township of the duty to connect. No person, other than the Operator, Supervisor, or authorized designee shall uncover, make any connections with or opening into, use, alter, or disturb any public Building Sewer, stub, or Public Sewer or appurtenance thereof, without first obtaining a written permit from the Township. The cost of the Service Connection Permit and Grinder Pump Installation License shall be stated in Madison Township's Fee Schedule and shall be payable at the time that the permit is issued. The Service Connection Permit and Grinder Pump Installation License may be amended from time to time by Resolution of the Township Board to reflect changes in the actual cost of performing this service. Any person who shall uncover, make any connections with or opening into, use, alter, or disturb any Building Sewer, stub, or Public Sewer or appurtenance thereof shall be licensed in compliance with all applicable federal, state and local regulations. No Building Sewer, stub, or Public Sewer shall be covered until after it has been inspected and approved by the Operator, and/ or Building Department.
- 10.2 The owner or his agent shall complete an application for a sewer permit on a form furnished by the Township. The permit application shall be supplemented by any plans, specifications, or other information required by this Ordinance or considered pertinent in the judgment of the Township. Connection Fees and any other sewer fees in an amount established by resolution of the Township Board, shall be paid to the Township Treasurer at the time the application is filed. A plumbing permit is also required. If a street opening is required to make the lead connection, an additional attachment to the permit must be completed.
- 10.3 Prior to the approval and issuance of a Service Connection Permit, the applicant may be requested to have executed by the Owner(s) of record for the premises to be connected, an easement in a form provided by the Township granting permission to the Township to operate, maintain, repair, and replace the grinder pump and/or Service Connection installed on the premises.
- 10.4 All cost and expense incident to the installation, connection, and maintenance of the Building Sewer, and stub to the Public Sewer shall be borne by the Owner and are due in advance. All costs and expenses incident to the extension of the collection system for premises connecting to the public system after the original construction shall be borne by the Owner.
- 10.5 All liabilities incident to the installation and connection of the Building Sewer shall be borne by the property owner. The property owner shall indemnify and save harmless the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.
- 10.6 Responsibility for the maintenance, cleaning and repair of all sewer lines shall as follows:
 - 10.6.1 It shall be the duty of each property owner to maintain, clean, and repair the private sewer lines on his property at his own expense as necessary to keep such lines free and clear of

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obstructions and in good working order.

- 10.6.2 It shall be the duty of the Township to maintain, clean, and repair as necessary and at its expense the sewer Trunk Lines and Lateral Lines.
- 10.7 A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior (lot) and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard, or driveway, the Building Sewer from the front building may be extended to the rear building provided the two buildings are under the same ownership or an appropriate agreement, approved by the Township, and easements for the pipe are done in writing with a copy filed with the Township.
- 10.8 The Building Sewer shall be constructed of cast iron soil pipe with gasketed or solvent welded joints, Schedule 40 PVC, or as otherwise approved by the Inspector. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Inspector.
- 10.9 The size and slope of the Building Sewer shall be subject to approval by the Inspector, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-quarter ($\frac{1}{4}$) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth ($\frac{1}{8}$) inch per foot unless otherwise permitted.
- 10.10 No person shall make connection of roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or groundwater to a Building Sewer or building drain or stub which, in turn, is connected directly or indirectly to a public sanitary sewer.
- 10.11 The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the all applicable state and local Building and Plumbing Codes or other applicable rules and regulations of the Township. All joints shall be approved by the Inspector or his representative. Any deviation from the prescribed procedures and materials must be approved by the Inspector, or his representative, before installation.
- 10.12 All newly constructed Building Sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the Building Sewer.
- 10.13 The applicant for the connection permit shall notify the Township when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Inspector or his representative.
- 10.14 All excavating for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and the Lenawee County Road Commission.
- 10.15 No new connections will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains, and the POTW, including capacity for treatment of BOD and suspended solids.
- 10.16 By connecting a building to the Public Sewer all persons, firms, or public or private corporations, having or claiming any interest in the building shall be deemed to have given permission to the Township, and any successor or duly authorized agent to enter the building and the property where the building is located at all reasonable times to install, inspect, maintain, operate, repair, replace, or

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otherwise deal with the Building Sewer, service pipe, valve, or stub on, under, or adjacent to said premises.

- 10.17 Any person, other than the Operator, desiring to uncover, make any connection with, or opening into, use, alter, or disturb any Public Sewer, parts thereof or appurtenances thereof, must secure a permit from the Operator. The person applying for such permit shall pay a permit fee as adopted by resolution by the Township Board as referenced in the Fee Schedule and execute unto the Township and deposit with the Clerk a surety in the form of a bond, cash or irrevocable letter of credit, in an amount equal to or greater than one hundred and twenty (120%) of the construction cost of the work to be performed and in form acceptable to the Township, along with the necessary proof of insurance, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of the Township pertaining to sewers and plumbing. The bond(s) shall be acceptable to the Township and shall state that the person will indemnify and hold harmless the Township and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the plumbing, sewer line connection, or excavating for plumbing or sewer line connection as prescribed in this Ordinance. Such bond(s) shall remain in force and must be executed for a period not less than eighteen (18) months from time of permit, except that, upon such expiration, it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration. The permit shall also provide public liability insurance for the protection of the Township, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of one hundred thousand dollars (\$100,000) for one (1) person, three hundred thousand dollars (\$300,000) for bodily injuries per accident, and one hundred thousand dollars (\$100,000) for property damages. The permit fee and limits on the public liability insurance may be amended from time to time by Resolution of the Township Board.

The Township Board reserves the right to revoke the permit of any person who, in the Township Board's sole judgment, is not performing work with proper care and skill and in accordance with the laws, rules, and regulations pertaining to the sewer system. As a condition of securing a permit, the Township Board may require that the person applying for the license attend a training session on the proper procedures and equipment for making connections to the sewer system.

Section 11 Use of the Public Sewers

- 11.1 *General Discharge Prohibitions.* No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to the National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or requirements. The Township may refuse to accept any wastes which will cause the POTW to violate its NPDES discharge limits. A User may not contribute the following substances to any POTW:

11.1.1 Any liquids, solids, or gases, including but not limited to waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit, which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

11.1.2 Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, grease, garbage with particles greater than one-half (½) inch in any dimension; animal guts or tissues; paunch manure; bones, hair, hides, or fleshings; entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent

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grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding, or polishing wastes.

- 11.1.3 Any wastewater having a pH less than six point five (6.5) or greater than nine point zero (9.0), or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- 11.1.4 Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the Act.
- 11.1.5 Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, including pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- 11.1.6 Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- 11.1.7 Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- 11.1.8 Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 11.1.9 Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Celsius [one hundred four (104) degrees Fahrenheit].
- 11.1.10 Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.
- 11.1.11 Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable State or Federal regulations.
- 11.1.12 Any wastewater which causes a hazard to human life or creates a public nuisance.
- 11.1.13 Any unpolluted water including, but not limited to, stormwater, groundwater, roof water, or noncontact cooling water.
- 11.1.14 Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the POTW.
- 11.1.15 Any waste from individual sewage disposal systems; except that waste from any individual sewage disposal system may be disposed of directly into a Sanitary Sewer upon entering into an agreement with the Township which agreement shall specify the site of disposal, sewage disposal charge, and such other conditions as may be required to satisfy the sanitation and health requirements of the Township. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial,

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household, domestic, or other water-carried sanitary waste or sewage other than a public sanitary sewer.

11.1.16 Any sludge, precipitate, or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

11.1.17 Any trucked or hauled wastewater, except as specifically allowed by the Supervisor.

11.2 *Specific Pollutant Limitations.*

11.2.1 Conventional Pollutants. Except as authorized by the Supervisor, no person shall discharge wastewater containing in excess of:

- i Three hundred (300) mg/l BOD.
- ii Three hundred (300) mg/l total suspended solids.
- iii Twenty (20) mg/l ammonia-nitrogen.
- iv Ten (10) mg/l total phosphorus.

11.2.2 Local Limits. The following pollutants, but not limited to, introduced into the POTW shall not exceed the daily maximum concentration of:

Pollutant	Maximum Daily Concentration
Ammonia as N	300 mg/l
Arsenic	.20 mg/l
5-day BOD	940 mg/l
Cadmium	.03 mg/l
Chromium	4.6 mg/l
Copper	.71 mg/l
Cyanide	.11 mg/l
di-n-butyl Phthalate	120 ug/l
Fats, Oil & Grease (food based)	400 mg/l
Fats, Oil & Grease (petroleum based)	100 mg/l
Lead	.21 mg/l
Lindane	.17 ug/l
Mercury - non-detectable less than	.0002 mg/l
Molybdenum	.094 mg/l
Nickel	1.20 mg/l
Phosphorous	64 mg/l
Silver	.04 mg/l
Suspended Solids	1400 mg/l
Triethylamine	3300 ug/l

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Pollutant	Maximum Daily Concentration
Ammonia as N	300 mg/l
Toluene	4900 ug/l
Zinc	3.06 mg/l

11.2.3 Should any other substances, either individually or in combination with other substances, interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the Supervisor. Should the Supervisor determine that the above limits can be raised without damage to the POTW exceeding the State or Federal limits, then the Supervisor may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.

11.2.4 If any waters are discharged or are proposed to be discharged to the Public Sewers, which contain the substances or possess the characteristics enumerated above, and which in the judgment of the Township may have a deleterious effect upon the sewers, Sewage Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

- i Reject the wastes;
- ii Require pretreatment to the level defined as "Normal Domestic Sewage";
- iii Require control over the quantities and rates of discharge;
- iv Require payment to cover the added cost of handling and treating the wastes not covered using taxes or sewer charges;
- v Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Township concerning the proposed flows.

If the Township permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Township and shall be subject to the requirements of all applicable codes, ordinances and laws.

11.3 *Township's Right of Revision.* The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the Sewage Works if deemed necessary to comply with the objectives presented in this Ordinance.

11.4 No User shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, or roof water to any Sanitary Sewer or sewer connection. Any premise connected to a storm sewer shall comply with County, State, and Federal requirements as well as those of the Township.

Downspouts and roof leaders shall be disconnected from Sanitary Sewers within six (6) months of the date of this Ordinance. If this is not done, the Township shall perform this work and bill the User.

Stormwater, groundwater, and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by MDEQ.

11.5 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Supervisor, they are

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necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or Dwelling Units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers, which when bolted in place shall be gastight and watertight. Each commercial user located in a strip mall may be required to install individual grease, oil, and sand interceptors.

11.6 Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times.

11.7 The Township may prohibit the admission into the Public Sewers of any waters or wastes as follows:

11.7.1 Containing any quantity of substances that exceed the requirements of Section 11.2.

11.7.2 Having an average daily flow greater than two (2) percent of the average daily sewage flow of the POTW, or having a rate of flow (gallons per day) greater than ten (10) percent of the average daily treatment plant flow for a period of one (1) hour or more, shall be subject to review and approval of the Supervisor.

Where necessary in the opinion of the Township, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5)-day, suspended solids, phosphorus, and total Kjeldahl nitrogen to concentrations given in Section 11.2, or to reduce objectionable characteristics of constituents to within the maximum limits provided for in the Township local limits given in Section 11.2.2, or control the quantities and rates of discharge of such waters or wastes.

11.8 Where the strength of sewage from an industrial, commercial, or institutional establishment exceeds (1) three hundred (300) parts per million of biochemical oxygen demand, or (2) three hundred (300) parts per million by weight of suspended solids, or (3) ten (10) parts per million by weight of phosphorus, or (4) twenty (20) parts per million by weight of ammonia-nitrogen, and where such wastes are permitted to be discharged to the sewer system by the Supervisor, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to ensure a representative sample. The cost of taking and making these first samples and the cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the Treatment Plant.

Added charges shall be determined by the Township. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the Sewage Works.

11.9 When required by the Township, the owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

11.10 All measurements, tests, and analyses of the characteristics of water to which reference is made in this Section shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in this Section 10, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

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- 11.11 Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage Works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether grab samples should be taken. The responsibilities of industry are further defined below:
- 11.11.1 One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. Such person would be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, such person would be involved with the prevention of accidental discharges of process wastes admitted to the Sanitary Sewer system. Such person must become aware of all potential and routine toxic wastes generated by their industry. Such person must also be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the Sanitary Sewers.
- 11.11.2 This industrial representative must catalog all chemicals stored, used, or manufactured by their industry. Such a listing should include specific chemical names, not manufacturer's codes. Those wastes admitted to the Sanitary Sewer are a prime concern; however, all discharges should be cataloged. An estimate of daily average flows and strengths must be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township.
- 11.11.3 The industrial representative shall determine whether or not large process alterations will occur during the next few years; one (1) year, two (2) years, and five (5) years. Management should be consulted to determine if such alterations are scheduled and forthcoming.
- 11.11.4 A drawing of the plant building(s) must be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment should be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system should be included on the plant layout drawing.
- 11.11.5 There must be separation of spent concentrations from the Sanitary Sewer to prevent toxic wastes from upsetting the POTW. Supervision and operation of the pretreatment equipment for spent concentrations, as well as all toxic wastes and high-strength organic wastes to an acceptable level as detailed in this Ordinance, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner, such as designated areas of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the Treatment Plant.
- 11.11.6 Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold one hundred fifty (150) percent of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and sumps within the containment area must be plugged and sealed. Spill trough and sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and chemical storage areas.
- 11.11.7 An adequate sampling vault or manhole must be provided in an accessible place for the Treatment Plant personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township determine necessary to

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protect the POTW. Should the Township desire continual flow recording and long duration, twenty-four- (24) hour composite sampling, then a more complex manhole would be mandatory, complete with 110 volt AC. Samples collected could be divided between the industry and Township for analysis if so desired by the industry. The sampling vault should be located so as to give access to Township personnel without entering the industrial property.

- 11.11.8 Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processing, or methods of production entitled to protection as trade secrets of the User. When requested by the person furnishing the report, the portion of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance. The NPDES Permit, State Disposal System Permit, and/or the pretreatment programs, and wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten- (10) day notification is given to the User.
- 11.12 Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to a MDEQ-approved drainage outlet
- 11.13 Agents of the Township, MDEQ, or U.S. EPA shall have the right to enter all properties for the purpose of inspecting, measuring, sampling, and testing the wastewater discharge and copying applicable pretreatment records.

Section 12 Grinder Pumps.

- 12.1 *Use and Installation of Grinder Pumps.* Some properties served by the Township sewer system may be connected to the system through a grinder pump. The following regulations govern their installation and usage:
- 12.1.1 The grinder pump location on each property will be coordinated by appointment with the property owner during the construction phase. An access agreement will be required for the installation, operation, and maintenance of the grinder pump, sewer lead from the grinder pump to the Public Sewer, control/alarm panel, and the electrical line to the grinder pump. The grinder pump access agreement will need to be signed by the property owner before the grinder pump is installed. Madison Township shall prepare the grinder pump access agreement and maintain it with their records.
- 12.1.2 A simplex grinder pump unit shall be provided to all properties with one (1) REU. A duplex grinder pump unit shall be provided to properties with greater than one (1) REUs. The required make, model, and size of the grinder pump unit required for any property shall be determined solely at the discretion of the Township.
- 12.1.3 Once installed, the lid of the grinder pump encasement will extend approximately 3 inches above the ground surface. The grinder pump encasement lid is 24 inches in diameter. No new permanent structures or other items can be placed on top of the grinder pump encasement or grinder easement.
- 12.1.4 The grinder pump must be located at least 10 feet from a building or property line and at least 50 feet from an on-site water supply well. In situations where it is physically impractical to

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locate the grinder pump and associated force main outside the Lenawee County Health Department's (LCHD's) 50-foot isolation distance from an on-site well, the grinder pump location will be subject to the LCHD's approval. The grinder pump must be located within 100 feet of the exterior power company electrical meter.

- 12.1.5 A control / alarm panel for the grinder pump will be mounted on the side of the existing building. The control / alarm panel must be located within sight of the grinder pump.
 - 12.1.6 The red light on top of the control/alarm panel will illuminate when a high-level condition is detected in the grinder pump holding basin. The property owner would need to contact the sewer system operators to inform them that the red light is illuminated.
 - 12.1.7 All installation, operation, and maintenance work for the grinder pump, sewer lead from the grinder pump to the Public Sewer, and the electrical line from the grinder pump to the power company meter is exterior work.
- 12.2 *Township's Responsibilities.* The Township shall have the following responsibilities with respect to grinder pumps:
- 12.2.1 For individual single family residences or businesses:
 - i Coordinate grinder pump location with property owner.
 - ii Prepare an access agreement for the grinder pump, granting the Township access to the grinder pump and all Lateral Lines and sewer leads from any building.
 - iii Maintain grinder pump access agreements.
 - iv Upon payment of the required Connection Fees provide the grinder pump to the Owner or Owner's representative for installation by the owner.
 - v Inspect the installation of the grinder pump system upon notification by the Owner.
 - vi Operate, and maintain public portion of grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior disconnect to the grinder pump, including a control/alarm). Maintain, repair, and replace (when necessary) the grinder pump core and any other item of the public portion of the grinder pump sewer system within property, except for the grinder pump tank and access riser tube.
 - vii Respond to high-level conditions (reported by property owner).
 - viii Provide an emergency phone number to sewer customers to contact for questions, maintenance, or emergencies.
 - ix Respond to service issues reported by property owners received on the emergency phone number. The appropriate service/maintenance will be completed as expediently as possible.
 - x Maintain a tracking system that records the maintenance, repair, and replacement activities for all the grinder pumps. A monthly operating report will be completed summarizing the sewer system's operation and maintenance activities during each month.
 - 12.2.2 For multi-unit developments:

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- i Review and approve the proposed location for grinder pump installation identified by the Owner or Owner's representative.
- ii Upon payment of the required Connection Fees provide the grinder pump to the Owner or Owner's representative for installation by the Owner.
- iii Inspect the installation of the grinder pump system upon notification by the Owner.
- iv Operate, and maintain public portion of grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior disconnect to the grinder pump, including a control/alarm).
- v Maintain, repair, and replace (when necessary) the grinder pump cores and any other item of the public portion of the grinder pump sewer system within property, except for the grinder pump tank and access riser tube.
- vi Respond to high-level conditions (reported by property owner).
- vii Provide an emergency phone number to sewer customers to contact for questions, maintenance, or emergencies.
- viii Respond to service issues reported by property owners received on the emergency phone number. The appropriate service/maintenance will be completed as expediently as possible.
- ix Maintain a tracking system that records the maintenance, repair, and replacement activities for all the grinder pumps. A monthly operating report will be completed summarizing the sewer system's operation and maintenance activities during each month.

12.3 *Property Owner's Responsibilities.* Each property owner shall have the following responsibilities with respect to grinder pumps:

12.3.1 For individual single family residences or businesses:

- i Payment of the required Connection Fees.
- ii Coordinate grinder pump location with Township representative.
- iii Sign the grinder pump access agreement.
- iv Contract, hire, and pay a contractor to install the grinder pump and necessary appurtenances including required electrical devices, the sewer lead from the building to the grinder pump (including connection to the grinder pump). The property owner will be responsible for the restoration associated with installation of the system.
- v Notify the public sewer system operators of high-level conditions (when red light on top of control/alarm panel is illuminated). The property owner would call an emergency phone number to inform the system operators of the red light condition.
- vi Notify the public sewer system operators of power outages (lack of power to grinder pump).
- vii Pay the electrical costs to operate the grinder pump. The electrical cost to operate the grinder pump will be included in the electric bill for each property served by a

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grinder pump.

- viii Install and maintain the electrical line from the property owner's exterior electrical meter to the grinder pump (including the electrical connection to the electrical meter).
- ix Restoration associated with the installation of the public portion of the grinder pump sewer system within property (Lateral Line from the Trunk Line to the grinder pump, the grinder pump, and the electrical lines from the power company's exterior electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing power company meter).
- x Pay the costs for the replacement (purchase and installation) of the grinder pump tank and riser, if it fails for any reason.

12.3.2 For multi-unit developments:

- i Payment of the required Connection Fees.
- ii Identify for the Township Inspector the proposed location for grinder pump installation, which location shall be subject to approval by the Township.
- iii Prepare an access agreement for the grinder pump, granting the Township access to the grinder pump and all Lateral Lines and sewer leads from any building.
- iv Maintain grinder pump access agreement.
- v Install and maintain the electrical line from the property owner's exterior electrical meter to the grinder pump (including the electrical connection to the electrical meter).
- vi Contract, hire, and pay a contractor to install the grinder pump and necessary appurtenances including required electrical devices, the sewer lead from the building to the grinder pump (including connection to the grinder pump). The property owner will be responsible for the restoration associated with installation of the system.
- vii Restoration associated with the installation of the public portion of the grinder pump sewer system within property (Lateral Line from the Trunk Line to the grinder pump, the grinder pump, and the electrical lines from the power company's exterior electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing power company meter).
- viii Notify the public sewer system operators of high-level conditions (when red light on top of control/alarm panel is illuminated). The property owner would call an emergency phone number to inform the system operators of the red light condition.
- ix Notify the public sewer system operators of power outages (lack of power to grinder pump).
- x Pay the electrical costs to operate the grinder pump. The electrical cost to operate the grinder pump will be included in the electric bill for each property served by a grinder pump.
- xi Pay the cost for the replacement (purchase and installation) of the grinder pump tank and riser, if it fails for any reason.

12.4 *Grinder Pump Operation During Power Outages.* During periods of power outages property owners shall:

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12.4.1 Limit the amount of wastewater generated during power outages to prevent sewage backups within the premises.

12.4.2 Not use portable generators to operate the grinder pumps.

Section 13 Schedule of REU Unit Factors.

- 13.1 All Connection, Usage and other fees and charges for the sewer system shall be based upon the number of REUs on each lot, parcel of land, or premises as set forth in the Schedule of REU Unit Factors (hereafter referred to as the "Schedule") as adopted by resolution of the Township Board or subsequent Schedule revisions adopted by resolution of the Township Board or subsequent REU redetermination by the Township. The Schedule may be enacted apart from the published Ordinance as necessary.
- 13.2 Classifications not specifically listed in the Schedule shall be assigned values as determined by the Township, but no facility shall be assigned less than one unit.
- 13.3 Where multiple businesses exist at one location (shopping centers, hotels with restaurant and or bar facilities, etc.) the various businesses will be combined for equivalents.
- 13.4 In cases of expansion or change of existing water/sewer uses, Connection Fees shall be levied in accordance with the current Connection Fee schedule based upon the difference in the current and expanded or changed use.

Section 14 Connection Fees

- 14.1 The owner of all premises required to connect to the System shall pay the Township Connection Fees which shall comprised of the following components:
- 14.1.1 A Tap Fee, which shall be a per REU rate established by resolution of the Township Board, which may be enacted apart from the published Ordinance as necessary;
- 14.1.2 A Grinder Pump Fee which shall be established by resolution of the Township Board, which may be enacted apart from the published Ordinance as necessary. The fee for the grinder pump shall be equal to the purchase price by the Township, including shipping plus a ten (10) percent administrative charge for handling;
- 14.1.3 An Inspection fee to cover the cost of having the Township's designated experts inspect and approve the connection to the System; and
- 14.1.4 An Access/Easement Fee which shall be the cost, as determined by the Township, for preparing and recording any access agreements and/or easements required by this Ordinance.
- 14.1.5 In addition to the Connection Fees as defined above, the owner of the premises shall be liable for the costs and expenses of acquiring and installing the connection to the System pursuant to Township specifications on file at the Township and for the payment of any permits required by any other State, County or Local authorities.
- 14.1.6 A single family residential building shall constitute a Dwelling Unit and shall be charged a minimum Tap Fee of one Residential Equivalent Unit (REU). Premises other than a single family residential unit shall pay a Tap Fee based upon the number of units assigned to such premises by the Table of Unit Factors contained in the Madison Township Sanitary Sewer System Policies or subsequent revisions adopted by the Township Board but in no case shall it be less than .5 REU.

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- 14.1.7 Upon any subsequent enlargement, addition, extension, or improvement to any structure, the Township shall review and redetermine the REUs for that structure. Upon finding by the Township after such REU review and redetermination that additional Tap Fees are required, the Owner shall immediately pay the required additional fees.
- 14.1.8 Any User that disagrees with the assigned REU values contained in the Table of Unit Factors may request the opportunity to appear before the Township Board in person for the purpose of reducing the assigned REUs and presenting any argument or additional evidence. A denial of reducing the REUs assigned following such a personal appearance before the Township Board shall be final and conclusive.
- 14.1.9 The appropriate Connection Fees shall be paid in full at the time of the connection of the premises to the System unless the Township Board, at sole discretion, permits a deferral of payment over a period of time and at an interest rate determined by the Board in its sole discretion.
- 14.1.10 If it has been determined that REUs assessed/allocated to a particular parcel were assessed in excess or are deemed no longer needed, the Owner, at the discretion and approval of the Township Board, may sell back the REUs to the Township at a rate approved by the Township, but in no event for more than the original rate paid by the Owner.

Section 15 Usage Charges

- 15.1 *Establishment and Basis for Computations.* Rates and charges for use of the POTW shall be established by resolution of the Township Board, which may be enacted apart from the published Ordinance as necessary. The usage rates shall be based upon the amount necessary to ensure sufficiency of revenues in meeting operation, maintenance, and replacement costs, as well as debt service. User charges shall be the same for all customers of the system regardless of geographical boundaries. Such charges and rates shall be made against each lot, parcel of land, or premises which may have any sewer connections with the sewer system of the Township, or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof.
- 15.2 *Amounts, Billings, Sewer Service Charges.* Amounts, Billings, Sewer Service Charges. The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building, or premises, having any sewer connection with such system, on the basis of the number of REUs on each lot, parcel of land, or premises as given in the Schedule included in the Madison Township Sanitary Sewer System Policies or subsequent Schedule revisions adopted by resolution of the Township Board or subsequent REU redetermination by the Township. Rates and charges shall be collected on a routine basis. In cases where the character of the sewage from a manufacturing or industrial plant, building, or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic sewage delivered to the system plant (See Section 11.2), the additional cost of treatment created thereby shall be an additional charge (surcharge) over the regular rates hereinafter set forth; or the Township may, if it deems it advisable, compel such manufacturing or industrial plant, building, or premises to treat such sewage in such manner as shall be specified by the Township before discharging such sewage into the sewage disposal system.
- 15.3 *Annual of Fee Review.* The usage rates adopted by the Township are estimated to be sufficient to provide for the expenses of operation, maintenance, and replacement of the system as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual fee review shall be prepared and based on said review, rates for sewage services shall be reviewed annually and revised as necessary by Resolution of the Township Board to meet system expenses and to ensure that all User Classes pay their proportionate share of operation, maintenance, and equipment replacement cost.

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15.4 *No Free Service.* No free service shall be allowed for any User of the Public Sewer and POTW, provided, however, that the Township shall receive sewer service at its facilities at no charge.

15.5 *Billing.* Billing for wastewater service shall be the Township's responsibility. All bills shall be rendered on a routine basis. Bills shall be prepared and mailed to the customer of record as closely as possible to the billing cycle. The failure to receive a bill shall not excuse a failure to pay a bill and any penalty shall accrue thereon as though such bill had been received. Bills for premises having special rates, unusual charges, or unique circumstances may be billed monthly at rates as established by action of the Township Board.

All bills shall be payable on or before the due date without discount. Payments received by the Township shall be applied for payment on any outstanding balance owed on the account prior to being applied to current charges.

15.6 *Initial Billing.* Billing shall begin based on one of the following conditions:

15.6.1 The date that a certificate of occupancy is issued for a new structure; or

15.6.2 The date that the connection to the Building Sewer is approved by the Inspector.

If the date occurs during the billing cycle, costs will be prorated accordingly.

15.7 *Nonpayment.* Current charges shall be due and payable within thirty (30) days after the date the sewer bills are prepared for mailing (hereafter referred to as the "due date"). The due date shall be shown on each bill and current charges that are not paid on or before the due date shall be considered delinquent and shall accrue a ten (10) percent penalty on the unpaid amount. Unpaid previous balances and penalties are not subject to this penalty.

15.8 *Collection of Delinquent Accounts.* Any and all charges, such as property owner's direct charges, operation and maintenance and capital usage charges, special assessment charges, interest, penalties, and all other charges whatsoever related to the operations under this Ordinance, shall be a personal obligation of the owner of the premises and shall become a lien against the premises until paid. Until all such charges are paid, the Township may, at the option of the Township Board, proceed with a personal action against the owner or foreclose upon the aforesaid lien, or both, to the extent necessary to collect such amounts owed and all related costs of collection of said amounts that are incurred by the Township.

On the first day of September of each year, any and all balances that are past due for ninety (90) days or more, shall be certified to the next Township tax roll as a lien for collection against the premises served. Such lien shall be collected and enforced in the same manner as provided by law for Township taxes assessed on the roll. Any and all charges certified for collection through the tax roll shall have added to them a ten (10%) percent penalty on the entire amount of the lien in addition to previous charges.

Section 16 Deferral of Special Assessment Charges and Waiver of Operation and Maintenance and Capital Charges

The property owner upon which is connected or in the process of being connected to the sewer system may submit a hardship application to the Township seeking a partial or total deferment of any applicable charges, including but not limited to Connection Fees and User Charges, based upon a showing of financial hardship, in accordance with the criteria established for granting such deferment by the Township Board, subject to and in accordance with the following:

16.1 The owners of the premises shall, under oath, complete a hardship application provided by the Township, and file said application, together with all other information and documentation reasonably

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required by the Township, with the Township Assessor. An application shall be signed by each and every legal and equitable interest holder in the premises, excepting financial institutions having only security interests in the premises.

- 16.2 Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
- 16.3 The decision of the Township Board following shall be final.
- 16.4 In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of any or all applicable fees, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of the Township so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall terminate upon the occurrence of any one of the following events:
 - 16.4.1 A change in the financial status of any applicant which removes the basis for financial hardship; or
 - 16.4.2 A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest, in the premises or extension thereof; or
 - 16.4.3 A death of any of the applicants.
- 16.5 Upon a determination of the Township Board deferring all or part of any or all applicable fees, the amount deferred shall constitute a lien on the subject property, and the property owner shall sign a document, in recordable form, that will provide notice of the lien on the property for the deferred amount.
- 16.6 The Township Board shall keep a record of the number of hardship deferrals 's that have been granted.
- 16.7 Any deferral and/or waiver granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

Section 17 Extension of Time for Compliance.

Upon written application to the Township Board, Any person who shows that compliance with any provision of this Ordinance would either be impossible or constitute an undue hardship may be granted an extension of time not to exceed one (1) year to comply with the provisions of this Ordinance. Any extension of time granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance. The Township may require, as a condition for granting any extension, that the person seeking the extension first agree in writing to such other terms as the Township deems necessary.

Section 18 Municipal Liability and Insurance.

- 18.1 The Township shall not be responsible for interruptions of services due to natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the User that all connected equipment remain in good working order so as not to cause disruption of service or damage to the POTW.
- 18.2 The Township shall not be liable for any injuries to persons or damage to property resulting from any

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work performed by private contractors hired to install, repair or maintain any Lateral Lines.

- 18.3 Any claim for damages as a result of an overflow or back up of the sewage disposal system shall follow the procedures and requirements as set forth in Act No. 222 of the Public Acts of 2001 for the State of Michigan.
- 18.4 The Township will maintain and carry insurance on all publicly owned assets of the Sewer System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of Sewage Disposal Systems. All monies received for losses under any such insurance policies shall be used solely for the replacement and restoration of the property damaged or destroyed.

Section 19 Power and Authority of Inspectors

The Supervisor and other duly authorized employees of the Township acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling, and testing in accordance with provisions of this Ordinance.

Section 20 Protection from Damage

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Public Sewer system.

Section 21 Enforcement/Penalties

21.1 Administrative Remedies.

- 21.1.1 The Township may suspend wastewater treatment services to any User when, in the opinion of the Township, such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes or may cause interference to the POTW, or causes or may cause the Township to violate any condition of its NPDES Permit.
- 21.1.2 The Township may revoke, suspend, or terminate the wastewater discharge permit of any User which:
- i fails to accurately report the wastewater constituents and characteristics of its discharge;
 - ii fails to report significant changes in wastewater constituents or characteristics;
 - iii refuses reasonable access to the User's premises by representatives of the Township for the purpose of inspection or monitoring; or
 - iv violates the conditions of this Ordinance or any final judicial order entered with respect thereto.
- 21.1.3 Whenever the Township finds that a User has violated any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder, or other Pretreatment Standard or Requirement, the Supervisor will issue a Notice of Violation to formally document the noncompliance. This document will specify the nature of the violation, establish a date by which the violation shall be corrected, and notify the affected User that failure to correct the violation would constitute a further violation which may result in additional enforcement action. A Notice of Violation will be sent via first-class mail or personally served on an Authorized Representative of the User.

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21.1.4 When the Township finds that a User has violated any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder or other Pretreatment Standard or Requirement, the Supervisor may issue an Administrative Order to Show Cause requiring the affected User to appear at a hearing to demonstrate why escalated enforcement action should not be pursued. This document will specify the nature of the violation, establish the time and place for the hearing, and notify the affected User that failure to comply would constitute a violation of this Ordinance which may result in additional enforcement action. An Order to Show Cause will be issued at least ten (10) days prior to the hearing and will be sent via certified mail/return receipt requested or personally served on an Authorized Representative of the User.

21.1.5 When the Township and an affected User agree to a violation and to the remedial solution, the Supervisor may issue an Order of Consent or similar document to formally establish such agreement. This document will specify the nature of the violation and required actions, such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order of Consent will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User, and will require signatures of representatives from both the Township and the affected User.

An Order of Consent or similar document shall have the same force and effect as other administrative orders issued by the Township pursuant to this Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement. Receipt, or non-receipt, of an Order of Consent or similar document shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Consent Order or similar document shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, against the affected User.

21.1.6 When the Township and affected User do not agree to the violation or to the remedial solution, the Supervisor may issue an Order to Achieve Compliance. This document will specify the nature of the violation and include required actions such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order to Achieve Compliance will be issued unilaterally in that terms need not be agreed to by the affected User and will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User.

An Order to Achieve Compliance shall have the same force and effect as other administrative orders issued by the Township, pursuant to this Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement. Receipt, or non-receipt, of an Order to Achieve Compliance shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Order to Achieve Compliance shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, against the affected User.

21.1.7 When the Township finds that a User has violated and continues to violate any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder, or other Pretreatment Standard or Requirement, the Supervisor and the Township Attorney may jointly issue a Cease and Desist Order requiring the affected User to eliminate the violation within twenty-four (24) hours or face suspension of sewer service. This document will specify the nature of the violation, and require that the violation cease. If the violation has not been corrected within twenty-four (24) hours following issuance of the order, the Township may suspend sewer service without further notice until such time as the affected User is able to demonstrate to the Township that it can comply with the discharge requirements. A Cease

and Desist Order will be personally served on an Authorized Representative of the User.

21.1.8 Whenever the Township finds that a User's discharge is in violation of any provision of this Ordinance or any permit issued hereunder and that the violation creates or threatens to create an emergency situation such as damage to the POTW, hazard to the receiving stream, endangerment to the public health and safety, or violation of any condition of the NPDES permit issued to the Township, the Supervisor and Township Attorney will jointly issue an Emergency Cease and Desist Order notifying the affected User to eliminate the violating discharge immediately or face service severance via a temporary plug in its sewer connection at any time and without further warning. This document will specify the nature of the violation, and require that the violating discharge cease until such time as the affected User is able to demonstrate to the Township that it can comply with the discharge requirements. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the Township to conduct this enforcement action. An Emergency Cease and Desist Order will be personally served to an Authorized Representative of the User, or may be delivered verbally via telephone to an Authorized Representative of the User and then served personally.

21.1.9 Except for emergency situations covered under this Section, whenever the Township finds that a User's continuing violation warrants revocation of its permit or privilege to discharge into the wastewater system, the Supervisor and Township Attorney will jointly issue a Notice of Termination to warn of the impending suspension of the sewer service up to and including severance via temporary plug in the affected User's sewer connection. This document will specify the date and the time of scheduled service suspension in order to allow the affected User to either voluntarily cease the violating discharge or arrange appropriate actions such as production shut-down or alternative means of wastewater disposal. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the Township to conduct this enforcement action.

21.1.10 A Notice of Termination will be personally served on an Authorized Representative of the User at least ten (10) days before the scheduled service suspension.

21.1.11 Receipt, or non-receipt, of a(n):

- i Notice of Violation; Order to Show Cause; Cease and Desist Order; Emergency Cease and Desist Order; or
- ii Notice of Termination

shall in no way relieve the affected User of any and all liability associated with the violation and shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.

21.1.12 In addition to the sanctions, orders, liabilities, and other remedies prescribed under this Section, a User shall be liable to the Township for any and all fines, penalties, and associated legal and other costs incurred or expended by the Township as the result of any violation of the Township's NPDES permit that is attributable, in whole or in part, to the User's violation of this Ordinance or a permit issued to the User hereunder.

21.1.13 *Rights of Appeal.* Except for emergency situations any User desiring to dispute a Notice of Violation or order of the Township, pursuant to this Ordinance, including but not limited to

fines, may present a written request for reconsideration. Such a request shall be submitted to the Township Supervisor within ten (10) days of first being notified of the corresponding order for all but a Notice of Termination, where such a request shall be submitted within five (5) days of notification. If, in the opinion of the Township Supervisor the request has merit, he will convene a hearing on the matter as soon as possible to collect testimony of appropriate persons, take evidence, and render a final determination. In the event the affected User's appeal is unsuccessful, any original fine will become immediately due and the Township may also add any additional costs incurred to administer this appeal. Further appeal of the Township Supervisor's final determination shall be governed by applicable State law.

Submittal of an appeal shall in no way relieve the affected User of any and all liability associated with the violation. An appeal shall not stay the corresponding order, or limit any other enforcement proceedings by the Township against the affected User.

21.2 *Judicial Penalties.* When the Township finds that a person has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement, the Township may petition the Circuit Court of Lenawee County for appropriate legal and/or equitable relief

21.2.1 Injunctive Relief. A person who violates or continues to violate any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder, or other Pretreatment Standard or Requirement will be liable to issuance of a preliminary injunction or a permanent injunction, or both as may be appropriate. This action will be sought to restrain or compel activities on the part of the affected User.

A petition for injunctive relief shall in no way relieve the affected User of any and all liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

21.2.2 Civil Penalties. A User who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder, or other Pretreatment Standard or Requirement, will be liable for a civil penalty of up to one thousand dollars (\$1,000) per violation. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of the averaging. The affected User will also be liable for all costs incurred by the Township for associated enforcement action such as reasonable attorney's fees, court costs, additional sampling, and monitoring expenses, as well as costs of any environmental damage and any fines imposed upon the Township for NPDES permit violations that result in whole or in part from the User's violation and expenses associated with remediation of sites thereby contaminated. The Township Attorney may petition the court to impose, assess, and recover sums up to this limit of liability. In determining the appropriate amount of civil penalty to seek, the Township may take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the affected User as a result of the violation, corrective actions implemented or proposed to be implemented by the affected User, and history of compliance or noncompliance by the affected User.

A suit for civil penalties shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

21.2.3 Criminal Prosecution. Any person who:

i violates any provision of this Ordinance, Industrial Waste Permit, or Order issued

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hereunder, or other Pretreatment Standard or Requirement; or

- ii knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, Industrial Waste Permit, or Order issued hereunder, or Pretreatment Standard or Requirement; or
- iii falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance, Industrial Waste Permit, or Order issued hereunder, or Pretreatment Standard or Requirement

is guilty of a misdemeanor and may be punished by a monetary penalty of up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both, plus the costs of prosecution. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

Section 22 Records Retention

- 22.1 The Township shall maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the sanitary system.
- 22.2 All Industrial Users subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereto, relating to monitoring, sampling, and chemical analyses made by or on behalf of a User in connection with its discharge. All records that pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the Township pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- 22.3 Classification of old and new Industrial Users shall also be reviewed annually by the Township.

Section 23 Audits

The Township will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request. In conjunction with the audit, there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year and to ensure proportionality among user classes as required by Federal regulations.

Section 24 Validity, Severability, Conflict.

- 24.1 The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses, or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality, or constitutionality of any other provision, word, phrase, clause, or term, and they shall continue in full force and effect.
- 24.2 All laws and parts of laws, all ordinances, codes, and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this Ordinance, shall be deemed not to apply; provided

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that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code, or regulation which is more restrictive or establishes a higher standard than those provided in this Ordinance.

Section 25 Effective Date

This revised Ordinance shall be effective ten (10) days after publication of said Ordinance as provided by law.

Adopted: October 13, 1980
Amended: June 11, 2002
 February 13, 2007
 July 14, 2009

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ORDINANCE NO. 5

Traffic Code Ordinance

An Ordinance enacted pursuant to MCL 257.951 to 257.955 and MCL 42.15, 42.23 and 41.181 to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, as amended (MCL 24.201, et seq.) and made effective October 30, 2002, and to adopt by reference certain state laws; and to repeal all ordinances or parts of ordinances in conflict herewith.

CHARTER TOWNSHIP OF MADISON, LENAWEE COUNTY, MICHIGAN, ORDAINS:

Section 1. Title

This Ordinance and the provisions of the Uniform Traffic Code and state laws adopted by reference herein shall be collectively known and may be cited as the "Madison Charter Township Traffic Code Ordinance".

Section 2. Adoption of Uniform Traffic Code By Reference

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, as amended (MCL 24.201, et seq.) and made effective October 30, 2002, is hereby adopted by reference. All references in said Uniform Traffic Code to a "governmental unit" shall mean the Charter Township of Madison.

Section 3. Adoption of Provisions of Michigan Vehicle Code By Reference

The following provisions of the Michigan Vehicle Code, 1949 Public Act 300 of 1949, as amended (MCL 257.1, et seq.) are hereby adopted by reference:

- 3.1 Chapter I (Words and Phrases Defined): MCLs 257.1 to 257.82
- 3.2 Chapter II (Administration, Registration): MCLs 257.225, 257.228, 257.243, 257.244, 257.255, and 257.256.
- 3.3 Chapter III (Operator's and Chauffeur's License): MCLs 257.310e, 257.311, 257.312a, 257.324, 257.325, 257.326, and 257.328.

- 3.4 Chapter VI (Obedience to and Effect of Traffic Laws): MCLs 257.601 to 257.601b, 257.602 to 257.606, 257.611 to 257.616, 257.617a to 257.622, 257.624a to 257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626 to 257.626b, 257.627 to 257.627b, 257.629b, 257.631 to 257.632, 257.634 to 257.645, 257.647 to 257.655, 257.656 to 257.662, 257.667 to 257.675d, 257.676 to 257.682b, 257.683 to 257.710e, 257.716 to 257.724.
- 3.5 Chapter VIII (License Offenses): MCLs 257.904 to 257.904a, 257.904e, 257.905.

Section 4. Adoption of Other State Laws By Reference

Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102) is hereby adopted by reference.

Section 5. Penalties

- 5.1 Except for violations of MCL 257.625(1)(c), the penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.
- 5.2 Pursuant to MCL 42.21(5) violations of MCL 257.625(1)(c) are a misdemeanor punishable by 1 or more of the following:
- (a) Community service for not more than 360 hours.
 - (b) Imprisonment for not more than 180 days.
 - (c) A fine of \$700.00.

Section 6. Severability

If a court of competent jurisdiction declares any provision of this Ordinance or the Uniform Traffic Code or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

Section 7. Effective Date and Repeal of Conflicting Ordinances

This ordinance shall take effect upon publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are

hereby repealed; including without limitation, the prior Ordinance 5 of the Charter Township of Madison, which is replaced by this Ordinance, provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

Adopted: February 11, 1992
Amended: October 8, 2002
November 13, 2012

Charter Township of Madison Ordinance 5

ORDINANCE NO. 6

Burning Ordinance

An ordinance to regulate the setting of fires and to provide penalties for the violation thereof and to provide a method for the collection of costs and expenses to the township caused by the setting of fires.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Applicability

This ordinance is adopted in the interest of public safety, and is intended to promote the general health, safety and welfare of the Charter Township of Madison.

Section 2. Permit

No person shall set or caused to be set any fire on any lot or parcel of ground within the Charter Township of Madison unless such person shall first comply with the provisions of this ordinance.

Section 3. Fires Requiring a Permit

Any person wishing to burn any paper, leaves, cut grass or weeds in a manner other than that specified in section 4 below or any person wishing to burn any materials other than paper, leaves, cut grass or weeds must first obtain a burning permit for such fire from the chief of the Charter Township of Madison Fire Department or his duly authorized representative.

Section 4. Fires Not Requiring a Permit

Any person wishing to burn any paper, cut grass, leaves or weeds may do so, without a burning permit so long as the fire is contained within a fire proof container constructed of metal or masonry with a approved spark arrestor with openings no larger than 3/4ths of an inch. Hours of burning shall be from sunrise to not later than 9:00 p.m. The approved fire proof container shall be located not less than 15 feet from any building and not less than 5 feet from any adjoining property line.

Section 5. Contents of Permit

The burning permit referred to section 3 above shall state with particularity the name and address of the applicant, the location of the premises where the fire is to be set, the time contemplated for setting such fire and the materials to be burned. The granting of such a permit shall be only within the discretion of the Charter Township of Madison Fire Chief or his duly authorized representative.

Section 6. Criminal Penalties

Any person who shall set or start a open fire contrary to the provisions of this ordinance or in violation of the terms contained in the fire permit shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine or penalty not less than \$500.00 or imprisonment in the County Jail of Lenawee County not to exceed 90 days or both such fine and imprisonment.

Section 7. Civil Liability

The Charter Township of Madison is authorized to institute the civil proceedings against any person violating the terms of this ordinance or the conditions contained in any fire permit for all costs incurred as a consequence of such violation, including but not limited to any and all costs incurred by the Charter Township of Madison Fire Department in responding to any fire call as a consequence of such violation and any and all attorney fees incurred in pursuing the suit for civil damages.

Section 8. Construction

Wherever the word "person" is used in this ordinance it shall also be deemed to include all firms, associations, organizations, partnerships, trust companies and/or corporations as well as individuals; wherever the singular is used it shall also include the plural; wherever the masculine is used it shall also include the feminine and neuter.

Section 9. Effective Date

This ordinance shall become effective 30 days after its adoption.

ORDINANCE NO. 8

Cable TV Ordinance

An ordinance to adopt regulations and procedures for basic cable TV rate regulation.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Definitions

For purpose of this Ordinance, "Act" shall mean the Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385), and as may be amended from time to time; "FCC" shall mean the Federal Communications Commission; "FCC Rules" shall mean all rules of the FCC promulgated from time to time pursuant to the Act; "basic cable service" shall mean "basic service" as defined in the FCC Rules, and any other cable television service which is subject to rate regulation by the Township pursuant to the Act and the FCC Rules; "associated equipment" shall mean all equipment and services subject to regulation pursuant to 47 CFR 76.923; and an "increase" in rates shall mean an increase in rates or a decrease in programming or customer services. All other words and phrases used in this Ordinance shall have the same meaning as defined in the Act and FCC Rules.

Section 2. Purpose; Interpretation

The purpose of the Ordinance is to: 1) adopt regulations consistent with the Act and the FCC Rules with respect to basic cable service rate regulation, and 2) prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the Township. This Ordinance shall be implemented and interpreted consistent with the Act and FCC Rules.

Section 3. Rate Regulations Promulgated by Fcc

In connection with the regulation of rates for basic cable service and associated equipment, the Charter Township of Madison shall follow all FCC Rules.

Section 4. Filing; Additional Information; Burden of Proof

4.1 A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable operator shall

Adopted: January 12, 1982
Amended: May 18, 1982
November 3, 1993

Charter Township of Madison Ordinance No. 8

file ten (10) copies of the schedule or proposed increase with the Township Clerk. For purposes of this Ordinance, the filing of the cable operator shall be deemed to have been made when at least ten (10) copies have been received by the Township Clerk. The Township Board may, by resolution or otherwise, adopt rules and regulations prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.

- 4.2 In addition to information and data required by rules and regulations of the Township pursuant to Section 4(a) above, a cable operator shall provide all information requested by the Supervisor in connection with the Township's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The Supervisor may establish deadlines for submission of the requested information and the cable operator shall comply with such deadlines.
- 4.3 A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC Rules including, without limitation, 47 USC 543 and 47 CFR 76.923.

Section 5. Proprietary Information

- 5.1 If this Ordinance, any rules or regulations adopted by the Township pursuant to Section 4(a), or any request for information pursuant to Section 4(b) requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the Township determines that the preponderance of the evidence shows that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. The Township shall place in a public file for inspection any decision that results in information being withheld. If the cable operator request confidentiality and the request is denied, (1) where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or (2) the cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.
- 5.2 Any interested party may file a request to inspect material withheld as proprietary with the Township. The Township shall weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may

grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.

- 5.3 The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality including, without limitation, 47 CFR 0.459.

Section 6. Public Notice; Initial Review of Rates

Upon the filing of ten (10) copies of the schedule of rates or the proposed increase in rates pursuant to Section 4(a) above, the Township Clerk shall publish a public notice in a newspaper of general circulation in the Township which shall state that: 1) the filing has been received by the Township Clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying, and 2) interested parties are encouraged to submit written comments on the filing to the Township Clerk not later than seven (7) days after the public notice is published. The Township Clerk shall give notice to the cable operator of the date, time, and place of the meeting at which the Township Board shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first-class mail at least three (3) days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the Township Board, then the Township Clerk shall mail a copy of the report by first-class mail to the cable operator at least three (3) days before the meeting at which the Township Board shall first consider the schedule of rates or the proposed increase.

Section 7. Tolling Order

After a cable operator has filed its existing schedule of rates or a proposed increase in these rates the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after thirty (30) days from the date of filing under Section 4(a) above unless the Township Board (or other properly authorized body or official) tolls the thirty (30) day deadline pursuant to 47 CFR 76.933 by issuing a brief written order, by resolution or otherwise, within thirty (30) days of the date of filing. The Township Board may toll the thirty (30) day deadline for an additional 90 days in cases not involving cost-of-service showings.

Section 8. Public Notice; Hearing on Basic Cable Service Rates Following Tolling of 30-day Deadline

If a written order has been issued pursuant to Section 7 and 47 CFR 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the Township any additional information required or requested pursuant to Section 4 of this Ordinance. In addition, the Township Board shall hold a public hearing to consider the comments of interested parties within the addition 90 day or 150 day period, as the case may be. The

Township Clerk shall publish a public notice of the public hearing in a newspaper of general circulation within the Township which shall state: 1) the date, time, and place at which the hearing shall be held, 2) interested parties may appear in person, by agent, or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates, and 3) copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the Clerk. The public notice shall be published not less than fifteen (15) days before the hearing. In addition, the Township Clerk shall mail by first-class mail a copy of the public notice to the cable operator not less than fifteen (15) days before the hearing.

Section 9. Staff or Consultant Report; Written Response

Following the public hearing, the Supervisor shall cause a report to be prepared for the township Board which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decision of the Township Board pursuant to Section 10. The Township Clerk shall mail a copy of the report to the cable operator by first-class mail not less than twenty (20) days before the Township Board acts under Section 10. The cable operator may file a written response to the report with the Township Clerk. If at least ten (10) copies of the response are filed by the cable operator with the Township Clerk within ten (10) days after the report is mailed to the cable operator, the Township Clerk shall forward it to the Township Board.

Section 10. Rate Decisions and Orders

The Township Board shall issue a written order, by resolution or otherwise, which in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC Rules. If the Township Board issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR 76.933. The order specified in this Section shall be issued within 90 days of the tolling order under Section 7 in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under Section 7 in all cases involving a cost-of-service showing.

Section 11. Refunds; Notice

The Township Board may order a refund to subscribers as provided in 47 CFR 76.942. Before the Township Board orders any refund to subscribers, the Township Clerk shall give at least seven (7) days written notice to the cable operator by first-class mail of the date, time, and place at which the Township Board shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting

comments to the Township Board.

Section 12. Written Decisions; Public Notice

Any order of the Township Board pursuant to Section 10 or Section 11 shall be in writing, shall be effective upon adoption by the Township Board, and shall be deemed released to the public upon adoption. The Clerk shall publish a public notice of any such written order in a newspaper of general circulation within the Township which shall: 1) summarize the written decision, and 2) state that copies of the text of the written decision are available for inspection or copying from the office of the Clerk. In addition, the Township Clerk shall mail a copy of the text of the written decision to the cable operator by first-class mail.

Section 13. Rules and Regulations

In addition to rules promulgated pursuant to Section 4, the Township Board may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC Rules.

Section 14. Failure to Give Notice

The failure of the Township Clerk to give the notices or to mail copies of reports as required by this Ordinance shall not invalidate the decisions or proceedings of the Township Board.

Section 15. Additional Hearings

In addition to the requirements of this Ordinance, the Township Board may hold additional public hearings upon such reasonable notice as the Township Board, in its sole discretion, shall prescribe

Section 16. Additional Powers

The Township shall possess all powers conferred by the Act, the FCC Rules, the cable operator's franchise, and all other applicable law. The powers exercised pursuant to the Act, the FCC Rules, and this Ordinance shall be in addition to powers conferred by law or otherwise. The Township may take any action not prohibited by the Act and the FCC Rules to protect the public interest in connection with basic cable service rate regulation.

Section 17. Failure to Comply; Remedies

The Township may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the Township) for failure to comply with the Act, the FCC Rules, any orders or determinations of the Township pursuant to this Ordinance, any requirements of this Ordinance, or any rules or regulations promulgated hereunder. Subject to applicable law,

failure to comply with the Act, the FCC Rules, any orders or determinations of the Township pursuant to this Ordinance, any requirements of this Ordinance, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial of renewal of a cable operator's franchise.

Section 18. Severability

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of the Ordinance shall not be affected thereby.

Section 19. Conflicting Provisions

In the event of any conflict between this Ordinance and the provisions of any prior ordinance or any franchise, permit, consent agreement or other agreement with a cable operator, then the provisions of this Ordinance shall control.

Section 20. Effective Date

This Ordinance shall take effect one day after its publication in a newspaper of general circulation in the Charter Township of Madison.

Adopted: January 12, 1982
Amended: May 18, 1982
November 3, 1993

Charter Township of Madison Ordinance No. 8

ORDINANCE NO. 9

Consumers Energy Company
Electric Franchise Ordinance

AN ORDINANCE, granting to Consumers Energy Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Charter Township of Madison, Lenawee County, Michigan, for a period of thirty years.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Grant Term.

The Charter Township of Madison, Lenawee County, Michigan, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Charter Township of Madison, Lenawee County, Michigan, for a period of thirty years.

Section 2. Consideration.

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

Section 3. Conditions.

No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced, All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway

authorities.

Section 4. Hold Harmless.

Said Grantee shall at all times keep and save the Charter Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein given, said Grantee shall, upon notice, defend the Charter Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 5. Extensions.

Said Grantee shall construct and extend its electric distribution system within said Charter Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

Section 6. Franchise Not Exclusive.

The rights, power and authority herein granted, are not exclusive.

Section 7. Rates.

Said Grantee shall be entitled to charge the inhabitants of said Charter Township for electric furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Charter Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Charter Township, acting by its Charter Township Board, or by said Grantee.

Section 8. Revocation.

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 9. Michigan Public Service Commission, Jurisdiction.

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Charter Township.

Section 10. Repealer.

This ordinance, when accepted and published as herein provided, shall repeal and

supersede the provisions of an electric ordinance adopted by the Charter Township on January 24, 1982 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical, appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in. the CHARTER TOWNSHIP OF MADISON, LENAWEE, COUNTY, MICHIGAN, for a period of thirty years, and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

Section 11. Effective Date.

This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Charter Township Clerk. Upon acceptance and publication hereof; this ordinance shall constitute a contract between said Charter Township and said Grantee.

ORDINANCE NO. 10

Recodification Ordinance of 1982

An ordinance to revise, repeal and recodify the ordinances of the Charter Township of Madison, pursuant to the provisions of the Act 144 of the Public Acts of 1969.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Title

- 1.1 Ordinance 1 - BUILDING RULES ORDINANCE
Date of Enactment: August 1, 1951.
- 1.2 Ordinance 2 - SEWAGE DISPOSAL FACILITIES ORDINANCE
Date of Enactment: August 1, 1951.
- 1.3 Ordinance 3 - TRAILER AND TOURIST CAMP ORDINANCE
Date of Enactment: July 10, 1951.
- 1.4 Ordinance 4 - INTERIM ZONING ORDINANCE
Date of Enactment: May 17, 1952.
- 1.5 Ordinance 5 - REGULATION OF JUNK YARDS ORDINANCE
Date of Enactment: August 1, 1951.
- 1.6 Ordinance 6 - BUREAU OF FIRE PREVENTION ORDINANCE
Date of Enactment: Unknown
- 1.7 Ordinance 8 - USED CAR LOTS ORDINANCE
Date of Enactment: May 10, 1960.
- 1.8 Ordinance 9 - AGENCY DESIGNATION FOR STATE CONSTRUCTION CODE
Date of Enactment: October 8, 1974.
- 1.9 Ordinance 11 - ADOPTION OF NATIONAL ELECTRICAL CODE
Date of Enactment: November 8, 1977.
- 1.10 Ordinance 12 - AGENCY DESIGNATION FOR STATE CONSTRUCTION CODE
Date of Enactment: March 14, 1978.
- 1.11 Ordinance 14 - FISCAL YEAR ORDINANCE
Date of Enactment: April 10, 1979.

- 1.12 Ordinance 15 - ELECTRICAL ORDINANCE
Date of Enactment: May 8, 1979.

Section 2. Recodification

The remaining Ordinances of the Charter Township of Madison are hereby recodified as follows:

- 2.1 Ordinance 17 - TOWNSHIP ZONING ORDINANCE is now Ordinance 1.
- 2.2 Ordinance 15 - NUISANCE AND JUNK ORDINANCES is now Ordinance 2.
- 2.3 Ordinance 16 - HAZARDOUS STRUCTURES ORDINANCE is now Ordinance 3.
- 2.4 Ordinance 18 - SEWER USE AND RATE ORDINANCE is now Ordinance 4.
- 2.5 Ordinance 19 - TRAFFIC CODE ORDINANCE is now Ordinance 5.
- 2.6 Ordinance 7 - OPEN BURNING ORDINANCE is now Ordinance 6.
- 2.7 Ordinance 10 - FIRE CODE ORDINANCE is now Ordinance 7.
- 2.8 Ordinance 20 - CABLE FRANCHISE ORDINANCE is now Ordinance 8.
- 2.9 Ordinance 21 - CONSUMERS POWER ELECTRIC FRANCHISE ORDINANCE is now Ordinance 9.

Section 3. Substitution of Charter Township of Madison

The above recodified Ordinances of the Charter Township of Madison shall be amended so that wherever the words Township of Madison appear in said Ordinances the words Charter Township of Madison shall be substituted in their place.

Section 4. Effective Date

This Ordinance shall take effect immediately after its publication in the Adrian Daily Telegram, a newspaper of general circulation.

Water Service Ordinance

An ordinance to regulate water service and rates for customers served by the Charter Township of Madison water distribution system.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- a. *Department*: The Water Department of the Charter Township of Madison.
- b. *Cross connection*: A connection or arrangement of piping or appurtenances through which water of questionable quality, wastes, or other contaminants could possibly flow back into the Water Distribution System due to reversal of flow.
- c. *Lot*: Each lot as platted.
- d. *Superintendent*: The person designated by the Charter Township of Madison to be in charge of the water system.
- e. *Township*: The Charter Township of Madison having an office at 4008 S. Madison Highway, Madison, Michigan.
- f. *Water distribution system*: The entire system of distributing drinking water in the Charter Township of Madison.
- g. *Water connection*: That part of the Water Distribution System connecting the water main to a point between the water main and the property line, including the curb box and curb stop.
- h. *Water main*: That part of the Water Distribution System located within easement lines or streets and designated to supply more than one water connection.
- i. *Water service pipe*: That part of the Water Distribution System between the water connection and the premises served.

Section 2. Water Connections

- a. Water connections shall not be made unless authorized by the Township. Water connections and water service pipes shall not cross from one lot to another.
- b. Water connection shall be made by the Township or its designated contractor. Any repair to a water service pipe shall be made at the expense of the homeowner whose premises are served by the water service.
- c. There shall be a connection charge for each and every water connection to the water distribution system and when there is more than one building or structure being served by a single connection there shall be a separate connection charge for additional building or structure connected to the water distribution system. The amount of the connection charge shall from time to time be set by the Township Board. The connection charge shall be computed using the schedule for residential equivalency units which is attached hereto and incorporated by reference.
- d. A separate and independent water connection shall be provided for each and every lot or parcel of land connected to the Township water distribution system.

Section 3. Turning on Water Service

No person other than an authorized employee of the Township, shall turn on or off any water service, except that a licensed plumber may turn on any service for testing his work (then it must be immediately turned off) or upon receiving a written order from the Township.

Section 4. Water Meters

All users, including without limitation, residential, industrial and commercial users, shall, at their own cost, purchase and install such water meters as shall be directed by the Township. Any meter purchased shall be of a manufacturer and model approved by the Township. No person except an authorized employee of the Township, shall break or injure the seal or change the location of, or alter or interfere in any way with any water meter.

Section 5. Meter Location

Water meters shall be set in accessible location and in a manner satisfactory to the Township Water Department. Where the premises contain no basement or cellar the meter shall be installed in a location, which shall be approved by the Township Water Department. Where it is necessary to set the meter in a pit, such pit shall be built at the expense of the owner as directed by the Township Water Department.

Section 6. Access to Meters

The Township shall have the right to shut off the supply of water to any premises when the Township is unable to obtain access to the meter. Any qualified employee of the Township shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting same and no person shall hinder, obstruct, or interfere with such employees in the lawful discharge of his duties.

Section 7. Meter Failure

If any meter shall fail to register properly, the Township shall estimate the consumption on the basis of former consumption and bill accordingly.

Section 8. Owner Responsibilities

- a. *Due Care.* The owner or occupant of the premises where a water meter is installed will be held responsible for its care and protection from freezing and from injury or interference by any person.
- b. *Notice of deficiency.* If injury to the meter occurs or in case of its stoppage or imperfect operation, the owner or occupant of the premises shall give immediate notice to the Water Department.

Section 9. Prohibited Conduct

- a. *Injury to Facilities.*
 1. No person shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Township water distribution system; provided, however, that Township employee, in the performance of duties, may take such reasonable action as may be necessary to appropriately and safely fulfill those duties.
 2. No person shall so alter or manipulate a water meter so as to cause a water meter to be bypassed or to not otherwise properly measure water use. Such person, in addition to being subject to the penalties provided herein, shall pay for the amount of water consumed which shall be determined using the highest reading per billing period in the previous two (2) year period.
- b. *Pollution of Wells.* It shall be unlawful for any person to construct or maintain, or permit to be constructed or maintained within a radius of 200 feet from any of the municipal water wells any source of possible contamination or pollution of such wells. It shall be likewise unlawful to do any act or to allow to be done any act that may contaminate or pollute or contribute to the contamination or pollution of the water supply wells or water system of the Township.

- c. *Climbing Upon Elevated Tank.* It shall be unlawful for any person, except Township employees and other persons authorized by the Township, to be upon or climb any elevated tank within the Township.
- d. *Obstructing Fire Hydrants.* All persons are prohibited from obstructing free access and from depositing any rubbish or building material in proximity to any fire hydrant, water valve or shut off in the public street.
- e. *Opening Streets.* In putting down or repairing service pipes, the street must be opened in such a manner as will occasion the least inconvenience to the public. No excavation in any public place shall be left open during the night unless amply protected to prevent accident, by the person to whom the permit has been granted.
- f. *Interference With Service Shut Off Box.* It shall be unlawful for any person to take or break any service box or cover, or to cover any service box with earth or other material or obstruct free access to the service box.
- g. *No Free Service.* No free water or sewer service shall be furnished by such system to any person, firm or corporation, public or private or to any public agency or instrumentality.
- h. *Taking of Water Without Permission.* No person shall take water from any fire hydrant, valve, faucet, pipe or any other opening connected to the Township water system. Nor shall any person open any such fire hydrant valve or faucet for the purpose of taking water, or for any other purpose, unless such person shall have made application for use of water for such purpose and received permission from the Water Department, or unless such person is Township employee and is acting in the discharge of duties.

Section 10. Cross Connection Inspections

- a. The Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.11401 to R 325.11407 of the Michigan Administrative Code.
- b. The Township is authorized and required to inspect all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Township and as approved by the Michigan Department of Public Health.
- c. The representative of the Township shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Township for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property

so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

- d. The Township is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.
- e. That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the state and Township plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.
- f. This ordinance does not supercede the state plumbing code and/or the Township State Construction Code Ordinance (No. 30), but is supplementary to them.
- g. That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of a representative of the Township in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100) dollars for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

Section 11. Refusal to Provide Information

Whenever requested by the Township, the owner or occupant of any lot or parcel of land serviced by the Water Distribution System shall furnish to the Superintendent all information requested concerning the piping system or systems servicing the said lot or parcel of land in question to make such inspections or investigation as he shall deem to be necessary. The refusal to permit access when requested, shall be deemed to be a prima facie evidence of the presence of cross-connections of the type prohibited by the ordinance.

Section 12. Protection Beyond the Meter

The potable supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance, by the State Plumbing Code, and the Charter Township of Madison Cross Connection Regulations.

Section 13. Water Rates

Water rates shall be set for each water district by Township Board action. The water rates shall be based on the cost to provide water service to each specific water district.

Section 14. Billing

Billing will be on the basis of the adopted water rates for each water district and the equivalent residential units determined for each customer. Billing based on metered consumption may be requested by any customer with meter purchase, installation and maintenance the requesting party's responsibility.

Section 15. Collection

The payment of charges for water service to any premises may be enforced by discontinuing the water service to such premises and legal action may be instituted by the Township for collection of any amounts owed by the customer. The charges for water service, which, under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the Township Supervisor shall, annually, report all unpaid charges for such services furnished to any premises.

Section 16. Service Discontinued

Whenever the Superintendent shall find any violation of this ordinance the Superintendent is authorized and directed to discontinue water service to that lot. Notice shall be given to the owner or occupant of the lot in question by first class mail or by personal service five (5) days in advance of discontinuing the water service. For purposes of this ordinance, notices addressed to the owner of the land shown on the Assessment Rolls of the Charter Township of Madison shall be sufficient notice to the owner, and notice addressed to an occupant at the street address of the land in question shall be sufficient notice to an occupant. The Superintendent is further authorized and directed to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the water distribution system. Water service to the land in question shall not be restored until either the cross-connection has been eliminated or evidence furnished and access permitted to enable the Superintendent to determine that no cross-connection prohibited by this chapter exists.

Section 17. Penalties and Remedies for Violations

As a cumulative remedy to Section 16 above entitled "Service Discontinued" any person found to be violating the provisions of this Ordinance shall at the subject to the following penalties and remedies:

- a. *Misdemeanor.* Penalties may be imposed up to ninety (90) days incarceration in the

County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The imposition of any such sentence shall not exempt the offender from compliance with the Ordinance.

b. *Civil Infraction.*

1. Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction.
2. Penalties may be imposed in fines as follows:
 - i first violation \$100.
 - ii second violation within a 4 year period \$125.
 - iii third violation within a 4 year period \$250.
 - iv fourth or subsequent violation within a 4 year period \$400.
3. In addition to the penalties any person deemed responsible for a civil infraction shall also be liable for the cost to the Township to prosecute any such violation.

- c. *Equitable Relief.* In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief. Further, upon a determination by a court that a person has violated the this Ordinance thereby creating a nuisance per se, the Township shall be entitled to its actual attorney fees incurred in seeking abatement of the nuisance.

Section 18. Severability

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 19. Effective date

This Ordinance shall become effective thirty (30) days after its adoption.

Section 20. Repealer and Replacement

Ordinance 13 which was adopted by the Township on November 12, 1996 is repealed in its entirety and is replaced by the provisions of this ordinance which shall hereafter be known as "ORDINANCE NO. 13, Water Service Ordinance." Any other ordinance inconsistent with the provisions of this ordinance is also hereby repealed.

Adopted: March 8, 1983
Amended: November 12, 1996
September 15, 2009

Liquor License Ordinance

An ordinance to establish procedures and standards for review of applications, renewals, and revocation of license to sell beer and wine or spirits.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Title

This ordinance shall be known and may be cited as the "Charter Township of Madison Liquor License Ordinance."

Section 2. Application for New License

Applications for license to sell beer and wine or spirits shall be made to the Township Board in writing, signed by the applicant, if individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- 2.1 The name, age and address of the applicant in the case of an individual; or in the case of a co-partnership, the persons entitled to share the profits thereof; in the case of a corporation, the object for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by the person or his nominee, the name and address of such person.
- 2.2 The citizenship of the applicant, his place of birth, and, if naturalized citizen, the time and place of his naturalization.
- 2.3 The character of business of the applicant, and the case of a corporation, the object for which it was formed.
- 2.4 The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- 2.5 The location and description of the premises or place of business which is to be operated under such license.
- 2.6 A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

- 2.7 A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
- 2.8 A statement that the applicant will not violate any of the laws of the State of Michigan or the United States or any ordinances of the Township in conduct of its business.
- 2.9 The application shall be accompanied by building and plat plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.

Section 3. Restrictions on Licenses

No such license shall be issued:

- 3.1 To the person whose license, under this ordinance has been revoked for cause.
- 3.2 To a person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- 3.3 To a co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
- 3.4 To a corporation, if any officer, manager or director thereof, or a stock owner or stock owing in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- 3.5 To a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the license.
- 3.6 To a person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
- 3.7 To a person who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
- 3.8 Any law enforcing public official or any member of the Township Board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor.
- 3.9 For premises where there exists a violation of the applicable Building, Electrical,

Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township Ordinance.

- 3.10 For any new license or for the transfer of any existing license unless the sale of beer, wine or spirits is shown to be incidental or subordinate to other permitted business uses upon the site, such as, but not limited to, food sales, motel operations, or recreational activities.
- 3.11 For premises where it is determined by a majority of the Board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refused disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.
- 3.12 Where the Board determines, by majority vote, that the proposed location is inappropriate considering the following:
 - a. Desirability of establishing a location in developed, commercial area, in preference to isolated, underdeveloped areas;
 - b. The attitude of adjacent residents and property owners;
 - c. Traffic safety;
 - d. Accessibility to the site from abutting roads;
 - e. Capability of abutting road to accommodate the commercial activity;
 - f. Distance from public or private schools for minors;
 - g. Proximity of the inconsistent zoning classification;
 - h. Accessibility from primary roads or state highways.

Section 4. Term of License

Approval of a license shall be for a period of one year subject to annual renewal by the Township Board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of Township Board or the Michigan Liquor Control Commission approving such license which ever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

Section 5. Reservation of Authority

No such applicant for a liquor license has the right to the issuance of such license to him, her or it, and the Township Board reserves the right to exercise reasonable discretion to

determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the Township Board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interest of the Township at large and for the needs and convenience of its citizens.

Section 6. License Hearing

The Township Board shall grant a public hearing upon the license application when, in its discretion, the Board determines that the issuance of an additional liquor license is in the best interest of the Township at large and for the needs and convenience of its citizens. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth above.

Section 7. Objections to Renewal and Request for Revocation

7.1 Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall serve the license-holder, by first class mail, mailed not less than ten days prior to hearing the notice of a hearing which notice shall contain the following:

- a. Notice of proposed action.
- b. Reasons for the proposed action.
- c. Date, time and place of hearing.
- d. A statement that the license may present evidence and testimony and confront adverse witnesses.

7.2 Following the hearing, the Township Board shall submit to the licenseholder and the Commission a written statement of its findings and determination.

Section 8. Criteria for Nonrenewal or Revocation.

The Township Board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exists:

- 8.1 Violation of any of the restrictions on licenses set forth in paragraph B above.
- 8.2 Maintenance of a nuisance upon the premises.

Section 9. Severability

Should any section or part thereof of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining actions or parts thereof of this Ordinance.

Section 10. Effective Date

This ordinance shall take effect immediately. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Business Registration Ordinance

An ordinance to provide for the registration of new businesses within the township, to create a procedure for the registration process and to provide penalties for the violation thereof.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Charter Township of Madison Business Registration Ordinance.

Section 2. Definitions

- a. "Business": Any trade, occupation, home occupation, profession, work, commerce or other activity owned or operated either for profit or not for profit by any person within the Township, excluding, however, political establishments.
- b. "Peddler": A peddler is any person, who travels by foot, motor vehicle or any other type of conveyance, from place to place, selling or offering for sale goods or services.
- c. "Person": Any individual, partnership, association, or corporation.
- d. "Solicitor": A solicitor is any person traveling either by foot, motor vehicle or any other type of conveyance, from place to place seeking to obtain orders for the purchase of goods or services for future delivery or performance.
- e. "Township": The Charter Township of Madison.
- f. "Travel from place to place": Travel from place to place means progressing from 1 street address to another street address and not returning within a 2-hour period to any such address to solicit or peddle.

Section 3. Purpose

The purpose of this Ordinance is to assist the Township with information to:

- a. provide better police and fire protection, better efficiency and economy in furnishing public utility services and more comprehensive and informed planning and zoning for uses of land and structures;

- b. establish a registry of businesses operating within the Township for the general information of the public and for the promotion of the Township; and
- c. regulate the operation of peddlers and solicitors.

Section 4. Registration Requirements

- a. No person may commence a business without having first registered the business as provided in this ordinance.
- b. No solicitor or peddler as defined in this ordinance to engage in such business within the corporate limits of the Township without first registering with the Township as provided in this ordinance.

Section 5. Procedure for Registering.

- a. To register a new business with the Township, a person must submit a business registration application on a form provided by the Township Clerk or his designated representative. A person must also submit with this business registration application a zoning compliance permit as set forth in the Township Zoning Ordinance and a certificate of compliance issued by the Fire Chief of the Township or his designated representative.
- b. All solicitors and peddlers must submit a business registration application on a form provided by the Township Clerk or his designated representative.

Section 6. Contents of Application.

An application for a registration shall provide the following information:

- a. Name, age and physical description of applicant.
- b. The applicant's address.
- c. The name of the business which is being registered and for peddlers and solicitors the name of the business for whom peddler or solicitor is working.
- d. The address and telephone of the business.
- e. A brief description of the nature of the business and the goods to be sold.
- f. For peddlers and solicitors, the drivers license number including issuing state or social security number for each person that will be selling within the corporate limits of the Township.

Licenses may be issued for periods not to exceed 6 months, being either the period of May 1 through October 31 or the period of November 1 through April 30. An applicant may

submit an application for a license no sooner than 30 days in advance of the period during which a permit is desired.

Section 7. Penalties

Any violation of this ordinance or any part thereof shall be punishable by a fine not to exceed \$100.00 plus cost and/or confinement in the County Jail for a term not to exceed ninety days. In addition, the Township specifically reserves the right to proceed in any court of competent jurisdiction for the purposes of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance.

Section 8. Severability

Should any portion of this ordinance be declared unconstitutional, illegal, or of no force and effect by a court of competent jurisdiction, such portions shall not be deemed to affect the validity of any other part or portion of this ordinance.

Section 9. Effective Date

This ordinance shall take effect thirty (30) days after its publication in the Adrian Daily Telegram.

**Charter Township of Madison
Business Registration Application**

Business name:	_____		
Business telephone:	_____		
Business owner:	_____		
Emergency telephone:	_____		
Business address:	_____		
Nature of business:	_____		
Hours of operation:	_____		
Days open:	_____		
Number of employees:	Seasonal: _____	Year around: _____	
Duration of operation:	Seasonal: _____	Year around: _____	
Land owner of business location:	_____		
Land owner's address:	_____		
Status of business owner:	Tenant: _____	Land contract vendee: _____	
Zoning classification of property:	_____		
Size of lot:	_____		
Number of buildings:	_____		
Square footage of each building:	_____		
Square footage of off-street parking:	_____		
Fire protection apparatus, if any:	_____		
Police protection apparatus, if any:	_____		
Public utility servicing business:	_____		

I hereby submit this application for business registration and acknowledge that the above information is accurate to the best of my knowledge.

Business Owner

Date: _____

ORDINANCE NO. 17

DISORDERLY PERSONS ORDINANCE

An ordinance to prohibit disorderly conduct in the Charter Township of Madison and to establish penalties for violation of the ordinance.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Charter Township of Madison Disorderly Persons Ordinance.

Section 2. Unlawful Act

It shall be unlawful and punishable as provided herein, for any person to be a disorderly person within the Charter Township of Madison.

Section 3. Definitions

For the purpose of this Ordinance, the following terms shall have the following meanings:

- a. "Animals" shall include birds, fish, mammals, and reptiles, unless otherwise stated.
- b. "Livestock" means horses, cattle, swine, sheep, goats and fur-bearing animals, of either gender, being raised in captivity.
- c. "Owner" and "persons owning premises" mean both the owner of the title of record and those occupying or in possession of any property or premise. The "owner" when applied to proprietorship of any animal, means every person having a right of property in the animal, an authorized agent of the animal, and every person who keeps or harbors the animal or has it in his or her care, custody or control, and every person who permits the animal to remain on or about the premises occupied by himself and herself.
- d. "Peace Officer" means any person employed or elected by the people of the Township of Madison, or by the State of Michigan or the County of Lenawee whose duty it is to preserve the peace or to make an arrest or to enforce the law, and includes game, fish or forest wardens, members of the State Police, Conservation Officers or fire fighters.

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Amended: October 8, 2002
September 13, 2011
January 8, 2013

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- e. "Person" shall include individuals, partnerships, corporations, limited liability companies and other associations.
- f. "Poultry" means all domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended. (MCL 317.71 *et seq*; MSA 13.1271 *et seq*.)
- g. "Public place" means any street, alley, sidewalk, park, public building, any place of business open to or frequented by the public, and any other place which is visible or accessible to the public.
- h. "School" means any school or college, whether elementary, secondary, advanced or for preschool, mentally handicapped or physically handicapped individuals, or whether public, private or parochial.
- i. "School premises" means all lands and grounds owned by a school, whether or not occupied by a building, together with all lands and grounds surrounding all school buildings, including any paths, walkways, drives or parking areas used in connection or incidental thereto.
- j. "Township" means the Charter Township of Madison.

Section 4. Disorderly Person

A person is a disorderly person if the person engages in any of the following acts or practices, or if the person aids or abets another person or persons to engage in any following acts:

- 4.1. Be under the influence of any narcotic drug or be intoxicated in a public place and either endanger directly the safety of another person or property or act in a manner that causes a public disturbance.
- 4.2. Disturb the public peace and quiet by engaging in a disturbance, fight, quarrel or altercation in a public place.
- 4.3. Obstruct, resist, impede, hinder or oppose a peace officer in the discharge of his or her official duties.
- 4.4. Furnish a peace officer with false, forged, fictitious or misleading verbal or written information identifying the person as another person, if the person is detained for investigating a violation of a Statute or Township Ordinance or temporarily detained for the purpose of issuance of a civil infraction citation.
- 4.5. Summon, as a joke or prank or otherwise, without any good reason therefore, by

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telephone or otherwise, the police or fire department or any public or private ambulance to go to any address where the service called for is not needed.

- 4.6. Make a false report, by telephone otherwise, to any public official which may reasonably be expected or closing of a building or place open to the public, or who knowingly makes a false statement or report to a peace officer.
- 4.7. Urinate or defecate in a public place.
- 4.8. Spit or expectorate on, at or toward another person.
- 4.9. Peep or peer into the windows of any inhabited place that he or she does not own or occupy, without the permission of the owner or occupant.
- 4.10. Maintain a gaming room, gaming table, or betting cards or tickets, used for gambling, knowingly allows a gaming table, or any betting cards or tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her; conducts or attends any cock fight or dog fight; or places, receives or transmits any bet on the outcome of any race, contest or game of any kind whatsoever, except as otherwise permitted by law.
- 4.11. Obstruct the free and uninterrupted passage of the public on any street, roadway, sidewalk, alley way, or in any park, public building or other public place, for any purpose and by any means, including but not limited to collecting in groups thereon, or playing any game thereon, or erecting, placing or maintaining any barrier or object thereon; except such barrier or object may be erected, placed or maintained when necessary for the safety of passersby in connection with the building, erection, modification or demolition of any building or by prior written consent of the police department.
- 4.12. Wilfully enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant, agent or servant of the owner or occupant.
- 4.13. Willfully enter the lands or premises of another and who neglects or refuses to depart from the land or premises of another after being notified by the owner or occupant to depart therefrom.
- 4.14. Knowingly sell, give or furnish alcoholic beverages, liquor or spirits to any person under the age of twenty-one (21) years or to any drunken, intoxicated or disorderly person.
- 4.15. Possess any open intoxicant or consume any alcoholic beverage, beer, liquor or spirits while in or upon a public street, sidewalk or non-licensed public place.
- 4.16. Jostle, shove, push, or roughly crowd people without permission in a public place.

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4.17. Make or continue to make any loud noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township, including but not limited to:

- a. Sounding any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle for reason other than as a signal in response to an imminent danger and implemented as an immediate safety measure, for an unnecessary and reasonable duration, or unreasonable loudly or harshly;
- b. Playing or amplifying any radio, phonograph, stereo, tape or disc player, or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any place of business, or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity;
- c. Yelling, shouting, hooting, whistling or singing on a public street or sidewalk at any time or place, including private property, so as to annoy or disturb the quiet, comfort or repose of any persons in any place of business, or any dwelling, hotel or other type of residence, or of any person in the immediate vicinity;
- d. Keeping any animal or bird which causes frequent or loud continued noise that disturbs the comfort and repose of any person in the vicinity;
- e. Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper Township authorities;
- f. Discharging the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle into the open air, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- g. Intentionally squealing the tires of any motor vehicle;
- h. Erecting, excavating, demolishing, altering or repairing any building, or excavating streets and highways, other than between the hours of seven o'clock a.m. and 10:00 o'clock p.m.;
- i. Creating loud and excessive noises in connections with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers;
- j. Creating noise with any drum, loudspeaker or other instrument or device to attract attention to any performance, show or sale or display of merchandise.

4.18. Disable or attempt to disable, in whole or in part, any motor vehicle owned or

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operated by another person by any means, including but not limited to deflating tires attached to said vehicles, or placing foreign substance in the motor vehicle's fuel tank, without the person's permission throws or propels any snowball, rock, missile or object at or from any moving vehicle.

- 4.19. Possess or consume any alcoholic beverage, beer, liquor, or spirits, if the person has not yet attained twenty-one (21) years of age.
- 4.20. Maliciously telephone, text, email or any other form of electronic communication any other person for the purpose of harassing, molesting, threatening or annoying such other person or his or her family, whether or not a conversation ensues.
- 4.21. Accost, solicit or invite another in a public place, or in or from any building or vehicle, by word, gesture or any other means, to commit prostitution or to do any other lewd or immoral act.
- 4.22. Solicit or accost any person for the purpose of inducing to commission of any illegal or immoral act.
- 4.23. Invite, entice, coax, persuade or induce by threat, promise or false statement, any minor child under the age of seventeen (17) years to enter any motor vehicle or conveyance, or private property or place, except where the parent or guardian of that child has given that person express consent; this section shall not prohibit school personnel, peace officers or public health or social worker personnel from carrying out the normal duties of their employment.
- 4.24. Carry any form of firearm, air rifle, bow and arrow, slingshot, crossbow or other dangerous weapons in any public place, subject to the following exceptions:
 - a. When it is in case and is not loaded;
 - b. When a bow or crossbow is unstrung or encased, or when it is being carried under the direct supervision of authorized public personnel; or
 - c. Where and when as otherwise permitted by State law.
- 4.25. Own any animal and permit the animal to run at large, except, however, that a dog engaged in hunting need not be leashed when under the reasonable control of the owner.
- 4.26. Own any dog at any time, licensed or unlicensed, which destroys property, real or personnel, or trespasses in a damaging way on property or persons other than owner.
- 4.27. Own any dog, cat, livestock, poultry, or other animal at any time, licensed or unlicensed, which attacks or bites a person.

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- 4.28. Own any dog which shows vicious habits, including but not limited to charging, snarling, growling, etc., or which molests passerby when such persons are lawfully on a public highway, right-of-way or adjacent property.
- 4.29. Own, keep, house, tether, or otherwise possess or maintain any animal in such a way or manner or in such location whereby noises emanating from said animal, including but not limited to loud and frequent barking, howling, or yelping, shall cause a disturbance or otherwise disrupt the peace, quiet and tranquillity of persons within the limits of the Township, is a nuisance in the neighborhood in which the animal is kept, possessed or harbored. This section shall not apply to kennels lawfully operating within the Township, except upon evidence of mistreatment of animals situated therein.
- 4.30. Own any livestock or poultry which is kept, possessed or harbored within the boundaries of any nonagricultural area within the Township.
- 4.31. Own any dog or other animal which is not confined upon the premises of the owner between sunset and sunrise of the following day, except when the dog or other animal is otherwise under the reasonable control of the owner.
- 4.32. Remove a collar or a tag from any dog or any other animal without the permission of its owner, or decoys or entices any dog or any other animal out of an enclosure or off the property of its owner, or seizes, molests or teases any dog or any other animal while held or led by any person or while on the property of its owner.
- 4.33. Intentionally and maliciously kill, injure or maim any animal, livestock or poultry owned by another person. However, any person may kill any dog or other animal which he or she sees in the act of or actually attacking or wounding any person, livestock, poultry or other animal, and there shall be no liability on such person in damages or otherwise for said killing. In no event shall the provisions of this subsection exonerate a person from compliance with the criminal laws of this State, including, by way of example, the safe discharge of firearms.
- 4.34. Commit an assault or an assault and battery on any person or engage in any disturbance, fight, or quarrel in a public place.
- 4.35. Use the controlled substance of marijuana in the Township of Madison unless the substance was directly obtained from, and pursuant to, a valid prescription or order of a licensed health care practitioner in accordance with Michigan law.
- 4.36. Sell or distribute a smoking pipe, of any kind or nature, whether the pipe is intended for use with tobacco or tobacco products or any other substance, legal or illegal, to persons under 18 years of age.
- 4.37. Sell or distribute rolling paper, of any kind or nature, whether the rolling paper is intended for use with tobacco or tobacco products or any other substance, legal or

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illegal, to persons under 18 years of age.

- 4.38. Fail to require photographic identification, in the form of either a valid driver's license or a State issued identification card, prior to selling or distributing to a person a smoking pipe or rolling paper in order to determine that the person is at least 18 years of age.
- 4.39. Make any immoral exhibition or indecent exposure of his or her person.
- 4.40. Willfully destroy, remove, damage, alter or in any manner deface any property not his or her own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the Charter Township or located in the public places of the Charter Township, or mark or post handbills on, or in any manner mar the walls of, any public building, or fence, tree or pole within the Charter Township, or damage, destroy, take, or meddle with any property belonging to the Charter Township, or remove the same from the building or place where it may be kept, placed, or stored, without proper authority.
- 4.41. Break or escape from the lawful custody of any law enforcement officer employed by the Township of Madison.
- 4.42. Make or excite a disturbance or contention within any tavern, store, manufacturing establishment, business place, public building; or upon any street, lane, alley, highway, public grounds, park, public place, or at any public meeting where citizens are peaceably and lawfully assembled.
- 4.43. Steal the property of another with a value of one hundred (\$100.00) dollars or less.
- 4.44. Knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on public or private property other than property other than property designated and set aside for such purposes.
- 4.45. Carelessly, recklessly, or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property or others shall be guilty of a misdemeanor.
- 4.46. Willfully refuse to obey a lawful order of a peace officer in the performance of his or her duties.
- 4.47. Carry a knife having a blade of three (3) inches in length or more, whether in it's sheath or not, in a public place.
- 4.48. Engage in fortune telling or pretends to tell fortunes for hire, gain or reward.

Adopted: March 14, 1989
Amended: October 8, 2002
September 13, 2011
January 8, 2013

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- 4.49. Willfully enter upon the lands or premises of any person in the nighttime, without authority or permission of the owner of such premises.
- 4.50. Tamper with, remove or injure any cables, wires, or equipment used of distribution of television signals, radio signals, pictures, programs, or sound without the consent of the owner thereof.
- 4.51. Drive or operate any motor vehicle, including but not limited to, automobiles, motorcycles, motorized bicycles, snowmobiles, motor scooters, trail bikes, trucks, or tractors on property owned by another person, persons, corporation, school, college or unit of government, in areas on said property not specifically designated for use as roadways, driveways or parking lots, without first having obtained permission of the owner or occupant thereof or the authorized servant or agent of either.
- 4.52. Disturb or interfere in any manner with the orderly conduct of classes or other school sanctioned activity conducted in or on any school premises, including, but not limited to, interference through the operation of a motor vehicle.
- 4.53. Enter upon school premises during the regular school hours or during any school sponsored activity, unless first receiving written permission from an authorized agent of the school, or first receiving a specific invitation to be in or on said premises, specifying the time, location and person, if any, to whom the individual shall report; provided, however, this provision shall not apply to any regularly enrolled student in good standing, not under suspension or expulsion, teacher, parent or guardian of a student, any person making regular deliveries of goods or supplies to the school, police or public safety officer, or other employee of the school.
- 4.54. Enter upon school premises at any time without lawful authority after having been forbidden to do so by an authorized agent of the school; or remain upon the school premises after being notified to depart by an authorized agent of the school.
- 4.55. Damage, destroy or deface any school building, equipment, teaching supplies or equipment or other school property located in or on any school premises, including, but not limited to, any trees, shrubbery, lawn, flowers or fences.
- 4.56. Cause or attempt to cause, by intimidation, coercion, force, threat of force, inducement, enticement, invitation, encouragement, or intimidation, any person to interfere with school activities or business.
- 4.57. Loiter, idle or congregate in or on any public street, highway, alley or park between the hours of:
 - a. 10:00 o'clock p.m. and 6:00 o'clock a.m., if the person is a minor who has not attained twelve (12) years of age, unless the minor is accompanied by a

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parent or guardian, or some adult delegated by the parent or guardian to accompany the minor.

- b. 12:00 midnight and 6:00 o'clock a.m., if the person is a minor who is at least twelve (12) years of age and but has not yet attained sixteen (16) years of age, unless the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is on an errand or other legitimate business directed by his/her parent or guardian.

Section 5. Violating Person

Any person(s) who shall act in any manner described in Section 4 above or Section 7 below, shall be in violation of this Ordinance and, upon conviction, shall be punished as set forth in Section 8 below, whether or not said person(s) had been ordered by a peace officer that such conduct or violation cease, except as otherwise specifically provided herein.

Section 6. Exceptions

None of the terms or prohibitions hereof shall apply to or be enforced against:

- 6.1. The operation of any marked vehicle of the Township while engaged upon necessary public business.
- 6.2. Excavation or repairs of bridges, streets, highways or water mains by or on behalf of the Township of State during the night when public welfare and convenience renders it impossible to perform such work during the day.

Section 7. Parental Responsibility

No parent, guardian, or other person having charge, guardianship, custody or control of any minor under the age of seventeen (17) years shall encourage, knowingly permit or by inefficient control allow the minor to violate a provision of this Ordinance. Proof that the minor was convicted of violation this Ordinance shall be prima facie evidence that the minor's parent or guardian allowed or encouraged the minor to violate such Section.

Section 8. Penalties and Remedies for Violations

- 8.1. Any person violating any provision of this Ordinance shall be deemed:
 - a. Guilty of a misdemeanor. Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution.

Adopted: March 14, 1989
Amended: October 8, 2002
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- b. Responsible for a civil infraction. Penalties may be imposed in fines up to one hundred (\$100.00) dollars plus the costs of prosecution.
- 8.2. The decision to charge the alleged violator with a misdemeanor and/or civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township.
- 8.3. In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

Section 9. Saving Clause

All proceedings pending and all rights and liabilities existing, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in effect when they are commenced. This Ordinance shall not be construed to effect any prosecution pending or initiated before the effective date of this Ordinance, or initiated after the effective date of this Ordinance for an offense committed before that effective date.

Section 10. Severability

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 11. Conflicting Ordinance Repealed

Any Ordinance or parts of Ordinances in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.

Section 12. Effective Date

This Ordinance shall be published in the manner provided by law and shall take effect thirty (30) days after publication.

Adopted: March 14, 1989
Amended: October 8, 2002
September 13, 2011
January 8, 2013

Charter Township of Madison; Ordinance No. 17

Downtown Development Authority Ordinance

An ordinance creating a Downtown Development Authority for the Charter Township of Madison, designating boundaries of the downtown district, and providing for other matters related thereto.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Title

This ordinance shall be known as the "Downtown Development Authority Ordinance" of the Charter Township of Madison (the "Township").

Section 2. Definitions

The terms used in this ordinance shall have the same meaning as given to them in Act 197 (hereinafter defined) or as hereinafter in this section provided unless the context clearly indicate to the contrary. As used in this ordinance:

- 2.1 "Authority" means the Downtown Development Authority of the Charter Township of Madison created by this ordinance.
- 2.2 "Act 197" means Act No. 197 of the Public Acts of Michigan of 1978, as amended.
- 2.3 "Board" or "Board of Directors: means the Board of Directors of the Authority, the governing body of the Authority.
- 2.4 "Chief Executive Officer" means the Supervisor of the Township.
- 2.5 "Township" means the Charter Township of Madison, County of Lenawee, Michigan.
- 2.6 "Township Board" means the Township Board of the Township.
- 2.7 "Downtown District" means the downtown district designated by this ordinance, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

Section 3. Determination of Necessity; Purpose

The Township Board hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to halt property value deterioration, eliminate the causes of that deterioration, increase property tax valuation where possible in the business district of the Township, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended.

Section 4. Creation of Authority

There is hereby created pursuant to Act 197 a downtown development authority for the Township. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "Downtown Development Authority of the Charter Township of Madison". The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this ordinance and Act 197. The enumeration of a power in this ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

Section 5. Termination

Upon completion of its purposes, the Authority may be dissolved by the Township Board. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the Township.

Section 6. Description of Downtown District

The Downtown District shall consist of the territory in the Downtown described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this ordinance and Act 197.

Section 7. Board of Directors

The Authority shall be under supervision and control of the Board. The Board shall consist of the Chief Executive Officer and eight members. Members shall be appointed by the Chief Executive Officer, subject to approval by the Township Board. Not less than a majority of the members shall be persons having an interest in property located in the Downtown District. Not less than 1 of the members shall be resident of the Downtown District, if the Downtown District has 100 or more person residing within it. Members shall be appointed to serve for a term of four years, except that of the members first appointed, an equal number, as near as is practicable, shall be appointed for terms of 1 year, 2 years, 3 years, and 4 years. A member shall hold office until a member's successor is appointed and qualified. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. An appointment to fill a vacancy shall be made by the Chief Executive Officer for the unexpired term only. Members

of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the Board shall be elected by the Board. The Board shall adopt Bylaws governing its procedures subject to the approval of the Township Board. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum established by resolution of the Authority for use and benefit of the Authority and shall file the same with the Clerk of the Township.

Section 8. Powers of Authority

Except as specifically otherwise provided in this ordinance, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

Section 9. Fiscal Year; Adoption of Budget

- 9.1 The fiscal year of the Authority shall begin on Jan. 1 of each year and end Dec. 31 of the same year, or such other fiscal year as may hereafter be adopted by the Township.
- 9.2 The Board shall prepare annually a budget and shall submit it to the Township Board for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The Board shall not adopt a budget for any fiscal year until the budget has been approved by the Township Board. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds
- 9.3 The Authority shall submit financial reports to the Township Board at the same time and on the same basis as departments of the Township are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the Township and copies of the audit shall be filed with the Township Board.

Section 10. Section Headings; Severability; Repealer

Section headings are provided for convenience only and are not intended to be part of this ordinance. If any portion of this ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. Publication, Recording and Filing

This ordinance shall be published once after its adoption in full in the Adrian Daily Telegram, a newspaper of general circulation in the Township and the Township Clerk shall file a certified copy of the ordinance with the Michigan Secretary of State promptly after its adoption.

Section 12. Effective Date

This ordinance shall take effect immediately upon its publication.

TIF Funding for DDA Ordinance

An ordinance to adopt a plan for tax increment financing in order to fund the Downtown Development Authority of the Charter Township of Madison.

Whereas, the Downtown Development Authority of the Charter Township of Madison (the "Authority") initially prepared and recommended for approval the Development and Tax Increment Finance Plan No. 1 on file with the Township Clerk (herein the "Plan") for the Downtown District within the Charter Township of Madison (the "Township"); and,

Whereas, on May 22, 1990, the Township Board held a public hearing on the Plan for the Authority's Downtown District pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"); and,

Whereas, the Township Board has given the taxing jurisdictions in which the Downtown District is located an opportunity to meet with the Township Board and to express their views and recommendations regarding the Plan, as required by the Act.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Findings

- 1.1 The development plan included in the Plan meets the requirements set forth in section 17(2) of the Act and the tax increment financing plan meets the requirements set forth in section 14(2) of the Act.
- 1.2 The proposed method of financing the development, is feasible and the Authority has the ability to arrange the financing.
- 1.3 The development is reasonable and necessary to carry out the purposes of the Act.
- 1.4 The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the Act.
- 1.5 The development plan is in reasonable accord with the master plan of the Township.
- 1.6 Public services, such as fire and police protection and utilities, are or will be adequate to service the development area.
- 1.7 Changes in zoning, streets, street levels, intersections, and utilities, to the extent

required by the Plan are reasonably necessary for the Project and for the Township.

Section 2. Public Purpose

The Township Board hereby determines that the plan constitutes a public purpose.

Section 3. Best Interest of the Public

The Township Board hereby determines that it is in the best interest of the public to halt property value deterioration increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District to proceed with the Plan.

Section 4. Approval and Adoption of Plan

The Plan is hereby approved and adopted. The duration of the Plan shall be 24 years from the date of this Ordinance or from the date of issuance of the last series of bonds pursuant to the Plan, whichever is later, except as it may be extended by subsequent amendment of the Plan pursuant to the Act. A copy of the plan and all amendments thereto shall be maintained on file in the Township Clerk's office.

Section 5. Preparation of Base Year Assessment Roll

- 5.1 Within 60 days of the publication of this Ordinance, the Township Assessor shall prepare the initial base year assessment roll. The base year assessment roll shall list each taxing jurisdiction in the Downtown District on the effective date of this Ordinance, the initial assessed value of each parcel of property within the Downtown District, and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the Authority jurisdiction.
- 5.2 The Township Assessor shall transmit copies of the base year assessment roll to the Township Treasurer, County Treasurer, the Authority and each taxing jurisdiction, together with a notice that the base year assessment roll has been prepared in accordance with this Ordinance and the tax increment financing plan contained in the Plan approved by this Ordinance.

Section 6. Preparation of Annual Tax Increment Roll

Each year within 15 days following the final equalization of property in the downtown District, the Township Assessor shall prepare the tax increment assessment roll. The tax increment assessment roll shall show the information required in the base year assessment roll and, in addition, the amount by which the current assessed value as finally equalized for all taxable property in the Downtown District exceeds the assessed value of property as shown on the base year assessment roll (the "captured assessed value"). Copies of the annual tax increment assessment roll shall be transmitted by the assessor to the same persons as the base year assessment roll,

together with a notice that it has been prepared in accordance with the Ordinance and the Plan.

Section 7. Establishment of Project Fund; Approval of Depository

The treasurer of the Authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the Treasurer of the Township, to be designated Downtown Development Authority Project Fund. All moneys received by the Authority pursuant to the Plan shall be deposited in the Project Fund. All moneys in the Project Fund and earnings thereon shall be used only in accordance with the Plan.

Section 8. Payment of Tax Increments to Authority

The Township Treasurer and the County Treasurer shall, as ad valorem taxes are collected on the property in the Downtown District, pay that proportion of taxes, except for penalties and collection fees, that the captured assessed value bears to the initial assessed value to the treasurer of the Authority for deposit in the Project Fund. The payments shall be made on the date or dates on which the Township Treasurer and the County Treasurer are required to remit taxes to each of the taxing jurisdictions.

Section 9. Use of Moneys in Project Fund

The moneys credited to the Project Fund and on hand therein from time to time shall be used annually in the following manner and following order of priority:

- 9.1 First, to pay into debt retirement fund, or funds, for all outstanding series of bonds issued pursuant to the Plan, whether such bonds are issued by the Authority, the Township or other public body, and amount equal to the interest and principal coming due (in case of principal whether by maturity or mandatory redemption) prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.
- 9.2 Second, to establish a reserve account for payment of principal of and interest on bonds issued pursuant to the Plan to the extent required by any resolution authorizing bonds.
- 9.3 Third, to pay the administrative, auditing and operating costs of the Authority and the Township pertaining to the Downtown District, including planning and promotion, to the extent provided in the annual budget of the Authority.
- 9.4 Fourth, to repay amounts advanced by the Township for project costs, including costs for preliminary plans, and fees for other professional services.
- 9.5 Fifth, to pay the cost of completing the remaining public improvements as set forth in the Development Plan to the extent those costs are not financed from other

sources.

Section 10. Annual Report

Within 90 days after the end of each fiscal year, the Authority shall submit to the Township Board, with copies to each taxing jurisdiction a report on the status of the Project Fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the amount of principal and interest on any outstanding indebtedness, the amount in any bond reserved account, the initial assessed value of the downtown District, the captured assessed value of the downtown district and the amount of captured assessed value retained by the Authority, the tax increments received and the amount of any surplus from the prior year, and any additional information requested by the Township Board or deemed appropriate by the Authority. The secretary of the Authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the Township.

Section 11. Refund of Surplus Tax Increments

Any surplus money in the Project Fund at the end of a year, as shown by the Annual report of the Authority, that is not pledged or dedicated to, or required for, the purpose set forth in the Plan and in section 9 of this Ordinance, shall be deemed surplus tax increment revenues, and shall be paid by the authority to the Township Treasurer or the County Treasurer, as shown by the annual report of the Authority, as the case may be, and rebated by each to the appropriate taxing jurisdictions.

Section 12. Conflict and Severability

All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 13. Paragraph Headings

The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 14. Publication and Recordation

This Ordinance shall be published in full promptly after its adoption in the Daily Telegram, a newspaper of general circulation in the Township, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the Township, which recording shall be authenticated by the signatures of the Supervisor and the Township Clerk.

Section 15. Effective Date

The Ordinance is hereby determined by the Township to be immediately necessary for the preservation of the peace, health and safety of the citizens of the township and shall be in full force and effect from and after its passage and publication as required by law.

Theft and Fraud Offenses Ordinance

An ordinance to prohibit theft and fraud offenses and to establish the penalties for their commission.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

It shall be unlawful for any person to commit any of the following acts which are deemed crimes punishable as hereinafter provided:

Section 1. Larceny

A person shall not commit the offense of larceny, by stealing, converting or wrongfully withholding the property of another, including but not limited to any money, goods, chattels or services; or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate; or any book of accounts for or concerning money or goods due or to become due or to be delivered; or any deed or writing containing a conveyance of land; or any valuable contract in force; or any receipt, release or defeasance, or any writ, process or public record.

Section 2. Unlawful Procurement of Library or Literary Society Materials

A person shall not procure or take in any way from any public library or the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript, exhibit, disc recording, cassette or other electronic or mechanical reproduction, film, filmstrip, puzzle, puppet, and any other materials that the library may own, whether or not the materials are circulated for public use, or any part of any of the above, with intent to defraud the owner thereof, or having procured or taken any such book, pamphlet, chart, map, painting, picture, photograph, periodical, newspaper, magazine, manuscript, exhibit, disc recording, cassette or other electronic or mechanical reproduction, film, filmstrip, puzzle, puppet, and any other material that the library may own, whether or not the materials are circulated for public use, or any part thereof, to thereafter convert the same to his own use or fraudulently to deprive the owner thereof.

Section 3. Receiving Stolen Goods

- a. A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing , or having

reason to know or reason to believe, that the money, goods, or property is stolen, embezzled, or converted.

- b. A person who is a dealer in or collector of merchandise or personal property, or the agent, employee, or representative of a dealer or collector of merchandise or personal property who fails to reasonably inquire whether the person selling or delivering the stolen, embezzled, or converted property to the dealer or collector has a legal right to do so or who buys or receives stolen, embezzled, or converted property that has a registration, serial, or other identifying number altered or obliterated on an external surface of the property, is presumed to have bought or received the property knowing the property is stolen, embezzled, or converted. This presumption is rebuttable.

Section 4. Fraudulent Procurement of Food or Lodging

- a. A person shall not stop, put up, board or lodge at any boardinghouse as a guest or boarder by the day, week or month, or to procure any food, entertainment or accommodation without paying therefor, unless there is a distinct and express agreement made by such person with the owner, proprietor or keeper of such boardinghouse for credit, with intent to defraud such owner, proprietor or keeper out of the pay for such board, lodging, food, entertainment or accommodations, or for any person, with intent to so defraud to obtain credit at any boardinghouse for such board, lodging, food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto. No conviction shall be had under the provisions of this subsection unless complaint shall be made within ten (10) days of the time of the violation thereof.
- b. A person shall not put up at any hotel, motel, inn, restaurant or café as a guest or to procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or for any person with intent to defraud such keeper out of the pay therefor to obtain credit at any hotel, motel, inn, restaurant or café for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto. No conviction shall be had under the provisions of this subsection unless complaint is made within sixty (60) days of the time of the violation hereof.
- c. A person shall not obtain food, lodging or accommodation by false pretense or by false or fictitious show of baggage or other property, or refusal or neglect to pay therefor on demand, or payment thereof with check, draft or order upon a bank or other depository on which payment was refused, or absconding without paying or offering to pay therefor, or surreptitiously removing or attempting to remove baggage, shall be prima facie evidence of the intent to defraud mentioned in subsections (1) and (2).

Section 5. Nonsufficiently Funded Checks

- a. A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud and knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer does not have sufficient funds in or credit with the bank or other depository to pay the check, draft, or order in full upon its presentation.
- b. A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud if the person does not have sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee. This subsection does not apply if the lack of funds is due to garnishment, attachment, levy, or other lawful cause and that fact was not known to the person when the person made, drew, uttered, or delivered the check, draft, or order.

Section 6. False Pretenses with Intent to Defraud

A person shall not, with intent to defraud or cheat, designedly, by color or any false token or writing or by any false or bogus check or other written, printed or engraved instrument, by spurious coin or metal in the similitude of coin, or by any other false pretense, cause any person to grant, convey, assign, demise, or lease any written instrument, the making whereof would be punishable as forgery, or obtain from any person any money or personal property or the use of any instrument, facility or article or other valuable thing or service, or by means of any false weights or measure obtain a larger amount or quantity or property other than was bargained for, or by means of any false weights or measures sell or dispose of a less amount or quantity or property than was bargained for, if such and/or interest in land, money, personal property, use of such instrument, facility or article, valuable thing, service, larger amount obtained or less amount disposed of shall be the value of one hundred dollars (\$100.00) or less.

Section 7. Obtaining Credit by False Device

A person shall not knowingly obtain or attempt to obtain credit, or purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious or counterfeit credit card, credit number, telephone number or other credit device, or by the use of any credit card, without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, credit number, telephone number, or other credit card, credit number or device which has been revoked and notice or revocation has been given to the person to whom issued. As used herein, the word "credit," shall mean an arrangement or understanding with the bank or depository for the payment of such check, draft, or order, in full, upon the presentation thereof for payment.

Section 8. Retail Fraud

A person shall not:

- a. Alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which merchandise is offered for sale, with the intent not to pay for the merchandise or to pay less than the full retail value.
- b. Steal merchandise of the store that is offered for sale.
- c. With intent to defraud, obtain or attempt to obtain money or property from a retail store as a refund or exchange for merchandise which was not paid for as belonging to the retail store.
- d. Remove a shopping cart from the premises of a retail store without the consent of the merchant at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.

Section 9. Violation; Penalties

- a. Any person who commits an offense prohibited by this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed \$500.00 or imprisonment in the county jail for a period not to exceed 93 days, or both such fines and imprisonment, plus the actual cost of prosecution.
- b. Any person who causes, secures, aids or abets another person to commit an offense prohibited by the ordinance may be prosecuted; and any conviction thereof shall be punished as if the person aiding and abetting had directly committed such violation.
- c. Any person who shall attempt to commit an offense prohibited by this ordinance and, in such attempt, shall do any act towards the commission of such offense, but shall fail in the perpetration or shall be intercepted or prevented in the execution of the same, shall be guilty of a misdemeanor, and subject to a penalty not to exceed \$250.00 or imprisonment in the county jail for a period not to exceed 45 days, or both such fines and imprisonment, plus the actual cost of prosecution.

Section 10. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Adopted: April 30, 1991
Amended: January 9, 2007
December 9, 2008
January 13, 2009

Charter Township of Madison, Ordinance No. 20

Section 11. Repeal and Replacement of Ordinance 20.

This ordinance repeals and replaces, in its entirety, the Retail Fraud Ordinance adopted by the Township on April 30, 1991.

Section 12. Name and Number Designation

This ordinance shall be known as the "Theft and Fraud Offenses Ordinance" and shall be designated as Ordinance 20 of the ordinances of the Charter Township of Madison.

Section 13. Publication and Effective Date

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating within the Charter Township of Madison, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

Adopted: April 30, 1991
Amended: January 9, 2007
December 9, 2008
January 13, 2009

Charter Township of Madison, Ordinance No. 20

Theft and Fraud Offenses Ordinance

An ordinance to prohibit theft and fraud offenses and to establish the penalties for their commission.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

It shall be unlawful for any person to commit any of the following acts which are deemed crimes punishable as hereinafter provided:

Section 1. Larceny

A person shall not commit the offense of larceny, by stealing, converting or wrongfully withholding the property of another, including but not limited to any money, goods, chattels or services; or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate; or any book of accounts for or concerning money or goods due or to become due or to be delivered; or any deed or writing containing a conveyance of land; or any valuable contract in force; or any receipt, release or defeasance, or any writ, process or public record.

Section 2. Unlawful Procurement of Library or Literary Society Materials

A person shall not procure or take in any way from any public library or the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript, exhibit, disc recording, cassette or other electronic or mechanical reproduction, film, filmstrip, puzzle, puppet, and any other materials that the library may own, whether or not the materials are circulated for public use, or any part of any of the above, with intent to defraud the owner thereof, or having procured or taken any such book, pamphlet, chart, map, painting, picture, photograph, periodical, newspaper, magazine, manuscript, exhibit, disc recording, cassette or other electronic or mechanical reproduction, film, filmstrip, puzzle, puppet, and any other material that the library may own, whether or not the materials are circulated for public use, or any part thereof, to thereafter convert the same to his own use or fraudulently to deprive the owner thereof.

Section 3. Receiving Stolen Goods

- a. A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing, or having

reason to know or reason to believe, that the money, goods, or property is stolen, embezzled, or converted.

- b. A person who is a dealer in or collector of merchandise or personal property, or the agent, employee, or representative of a dealer or collector of merchandise or personal property who fails to reasonably inquire whether the person selling or delivering the stolen, embezzled, or converted property to the dealer or collector has a legal right to do so or who buys or receives stolen, embezzled, or converted property that has a registration, serial, or other identifying number altered or obliterated on an external surface of the property, is presumed to have bought or received the property knowing the property is stolen, embezzled, or converted. This presumption is rebuttable.

Section 4. Fraudulent Procurement of Food or Lodging

- a. A person shall not stop, put up, board or lodge at any boardinghouse as a guest or boarder by the day, week or month, or to procure any food, entertainment or accommodation without paying therefor, unless there is a distinct and express agreement made by such person with the owner, proprietor or keeper of such boardinghouse for credit, with intent to defraud such owner, proprietor or keeper out of the pay for such board, lodging, food, entertainment or accommodations, or for any person, with intent to so defraud to obtain credit at any boardinghouse for such board, lodging, food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto. No conviction shall be had under the provisions of this subsection unless complaint shall be made within ten (10) days of the time of the violation thereof.
- b. A person shall not put up at any hotel, motel, inn, restaurant or café as a guest or to procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or for any person with intent to defraud such keeper out of the pay therefor to obtain credit at any hotel, motel, inn, restaurant or café for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto. No conviction shall be had under the provisions of this subsection unless complaint is made within sixty (60) days of the time of the violation hereof.
- c. A person shall not obtain food, lodging or accommodation by false pretense or by false or fictitious show of baggage or other property, or refusal or neglect to pay therefor on demand, or payment thereof with check, draft or order upon a bank or other depository on which payment was refused, or absconding without paying or offering to pay therefor, or surreptitiously removing or attempting to remove baggage, shall be prima facie evidence of the intent to defraud mentioned in subsections (1) and (2).

Section 5. Nonsufficiently Funded Checks

- a. A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud and knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer does not have sufficient funds in or credit with the bank or other depository to pay the check, draft, or order in full upon its presentation.
- b. A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud if the person does not have sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee. This subsection does not apply if the lack of funds is due to garnishment, attachment, levy, or other lawful cause and that fact was not known to the person when the person made, drew, uttered, or delivered the check, draft, or order.

Section 6. False Pretenses with Intent to Defraud

A person shall not, with intent to defraud or cheat, designedly, by color or any false token or writing or by any false or bogus check or other written, printed or engraved instrument, by spurious coin or metal in the similitude of coin, or by any other false pretense, cause any person to grant, convey, assign, demise, or lease any written instrument, the making whereof would be punishable as forgery, or obtain from any person any money or personal property or the use of any instrument, facility or article or other valuable thing or service, or by means of any false weights or measure obtain a larger amount or quantity or property other than was bargained for, or by means of any false weights or measures sell or dispose of a less amount or quantity or property than was bargained for, if such and/or interest in land, money, personal property, use of such instrument, facility or article, valuable thing, service, larger amount obtained or less amount disposed of shall be the value of one hundred dollars (\$100.00) or less.

Section 7. Obtaining Credit by False Device

A person shall not knowingly obtain or attempt to obtain credit, or purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious or counterfeit credit card, credit number, telephone number or other credit device, or by the use of any credit card, without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, credit number, telephone number, or other credit card, credit number or device which has been revoked and notice or revocation has been given to the person to whom issued. As used herein, the word "credit," shall mean an arrangement or understanding with the bank or depository for the payment of such check, draft, or order, in full, upon the presentation thereof for payment.

Section 8. Retail Fraud

A person shall not:

- a. Alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which merchandise is offered for sale, with the intent not to pay for the merchandise or to pay less than the full retail value.
- b. Steal merchandise of the store that is offered for sale.
- c. With intent to defraud, obtain or attempt to obtain money or property from a retail store as a refund or exchange for merchandise which was not paid for as belonging to the retail store.
- d. Remove a shopping cart from the premises of a retail store without the consent of the merchant at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.

Section 9. Violation; Penalties

- a. Any person who commits an offense prohibited by this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed \$500.00 or imprisonment in the county jail for a period not to exceed 93 days, or both such fines and imprisonment, plus the actual cost of prosecution.
- b. Any person who causes, secures, aids or abets another person to commit an offense prohibited by the ordinance may be prosecuted; and any conviction thereof shall be punished as if the person aiding and abetting had directly committed such violation.
- c. Any person who shall attempt to commit an offense prohibited by this ordinance and, in such attempt, shall do any act towards the commission of such offense, but shall fail in the perpetration or shall be intercepted or prevented in the execution of the same, shall be guilty of a misdemeanor, and subject to a penalty not to exceed \$250.00 or imprisonment in the county jail for a period not to exceed 45 days, or both such fines and imprisonment, plus the actual cost of prosecution.

Section 10. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 11. Repeal and Replacement of Ordinance 20.

This ordinance repeals and replaces, in its entirety, the Retail Fraud Ordinance adopted by the Township on April 30, 1991.

Section 12. Name and Number Designation

This ordinance shall be known as the "Theft and Fraud Offenses Ordinance" and shall be designated as Ordinance 20 of the ordinances of the Charter Township of Madison.

Section 13. Publication and Effective Date

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating within the Charter Township of Madison, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

Adopted: April 30, 1991
Amended: January 9, 2007
December 9, 2008
January 13, 2009

Charter Township of Madison, Ordinance No. 20

ORDINANCE NO. 21

AMENDMENT TO
TAX INCREMENT FINANCING ORDINANCE

An ordinance to amend the tax increment financing plan and development plan adopted by the Charter Township of Madison Downtown Development Authority pursuant to the provisions of Act 197, Michigan Public Acts of 1975, as Amended ("Act 197"), and providing for other matters relating thereto.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Findings

- 1.1 The amendments to the Charter Township of Madison Downtown Development Authority Development Plan and the carrying out of the projects described therein each constitutes a public purpose and are in the best interests of the Township and the citizens of the Township.
- 1.2 There being less than one hundred (100) residents residing within the Development Area, it is not necessary to establish a development area citizens' council pursuant to Act 197.
- 1.3 The Development Plan portion of the Plan amendment meets the mandatory requirements of Section 17(2) of Act 197.
- 1.4 The Tax Increment Financing Plan portion of the Plan amendment meets the mandatory requirements of Sections 14(2) and 15 of Act 197.
- 1.5 The proposed method of financing described in the Plan amendment if feasible, and the Authority has the ability to arrange the financing described in the Plan amendments.
- 1.6 The development described in the Plan amendments is reasonable and necessary to carry out the purposes of Act 197.
- 1.7 The land included within the development area to be acquired is reasonably necessary to carry out the purpose of the Plan and Act 197 in an efficient and economically satisfactory manner.
- 1.8 The Development Plan, as amended, is in reasonable accord with the Master Plan of the Township.

- 1.9 The services such as fire, police and utilities will be adequate to serve the Development Area.
- 1.10 Any changes in zoning, streets, street levels, inter sections and utilities contemplated in the Plan amendment are reasonably necessary for the proposed development and for the Township Board.

Section 2. Approval and Adoption of the Plan Amendments

The Plan amendments are hereby approved and adopted. A copy of the Plan amendments shall be maintained and on file in the Township Clerk's office.

Section 3. Supplementation of Existing Ordinance

This Ordinance is in addition to, and not an amendment of, Ordinance 19 of the ordinances of the Charter Township of Madison.

Section 4. Publication and Recording

This Ordinance shall be published once after its adoption in the Adrian Daily Telegram, a newspaper of general circulation in the Township, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the Township, which recording shall be authenticated by the signature of the Township Clerk.

Section 5. Effective Date

This Ordinance shall take effect upon publication.

ORDINANCE 22

Hazardous Waste

An ordinance to provide for cost recovery of monies spent during hazardous cleanup or hazardous waste spills.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Definitions

The following definitions shall apply for this ordinance:

- 1.1 "Hazardous Material Incident": A spill, leakage, release, or threat of same of any hazardous materials requiring immediate action to mitigate a threat to public health, safety or welfare.
- 1.2 "Expenses": Include but not limited to the actual labor costs to the Township and its personnel, including Workers Compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of any contract labor and materials, and those costs associated within emergency hazardous material incident, in order to ensure the safety of the Township and its populace. Expenses shall also include the cost incurred by the Township as a result of any unit response to an emergency Hazardous Materials incident.
- 1.3 "Hazardous Materials": Includes all those materials designated as hazardous by the State of Michigan in Public Act 307 of 1982, as amended, or by the Federal Superfund Amendment and Reauthorization Act (SARA), as amended.
- 1.4 "Haz Mat Unit": Any vehicle or unit provided by the Charter Township of Madison equipped with apparatus designed to provide emergency service in situations involving a spill, leak, accident or other similar occurrence involving hazardous materials.
- 1.5 "Owner": Any individual, firm, company, association, corporation, partnership, or group, including their officers and employees, who are either listed as the owner of record by the Lenawee county Register of Deeds, have a land contract interest in, or are listed as the taxpayer of record for the real property where the emergency hazardous material incident occurred, or have title, use, permission or control of the hazardous material or the vehicle used to transport same.
- 1.6 "Person": Any individual, firm, company, association, society, corporation,

partnership, or group, including their officers and employees, who has responsibility for or actual involvement in the emergency hazardous materials incident.

Section 2. Hazardous Materials Incident Emergency

In the event a spill, leakage, release, or other dissemination of any hazardous material has occurred, the Township Fire Chief, or his authorized representative, shall determine whether such occurrence constitutes an emergency hazardous materials incident, and if so determined, the Township may take immediate steps to abate and control the hazardous materials.

Section 3. Expenses of an Emergency Hazardous Materials Incident

In the event of an emergency hazardous material incident, all owners or persons who have responsibility for or involvement in the emergency hazardous materials incident shall be jointly and severally liable to the Charter Township of Madison for any expenses incurred in responding to said emergency hazardous materials incident. In the event said owner or person fails to pay said expenses within sixty (60) days after the Charter Township of Madison mails its invoice of expenses to said owner or person, the Township may take such collection efforts to recover said expenses that it deems appropriate, including, but not limited to, causing such expenses to be levied and assessed, as a special assessment upon the real property where the hazardous materials emergency occurred, however, such unpaid expenses may not be levied as a special assessment against any real property unless the owner, or person in charge of or responsible for said real property, has a connection or involvement with the hazardous material that resulted in an emergency hazardous material incident.

Section 4. Payment of Invoice

Payment of an invoice for expenses incurred by the Township of Madison under this Article shall not constitute an admission of guilt or responsibility under any other ordinance, rule or regulation.

Section 5. Severability

Should the Courts declare any provision or section of this ordinance unconstitutional or invalid, then such decision shall effect only the section or provision so passed upon, and shall not effect any other section or part of this Article.

Section 6. Effective Date

This ordinance shall take effect and be enforced thirty (30) days from the date of final adoption. This ordinance shall be published in the manner provided by law.

Section 7. Publication of Ordinance

The Township Clerk shall publish this ordinance in the manner prescribed by law.

ORDINANCE 23

Dumping

An ordinance to regulate dumping and storage of fill materials and the use of materials from buildings, roadways, parking lots, sidewalks and drainage systems in the Charter Township of Madison for fill.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Maximum Height of Fill

There shall be no dumping of materials used for fill allowed to exceed by 3 ft. the elevation of the nearest public highway or the elevation of the highest point of the parcel on which the dumping permit has issued.

Section 2. Proximity to Drains

There shall be no fill or dumping allowed within 25 ft. of any county drain, highway drain or any drain catch basin.

Section 3. Permitted Fill Materials

Material allowed to be used for fill shall be limited to concrete, earth, or asphalt paving. No building materials from the demolition of buildings containing wood, glass, insulation, metals, plastics, shingles or liquids shall be allowed to be used for fill nor will not be allowed to be dumped or stored on any land parcels in the Township of Madison.

Section 4. Required Cover

Concrete or asphalt used for fill must be covered by a minimum of (12 inches) (1 foot) of dirt (earth) within 30 days after expiration of permit.

Section 5. Permit Required

Any dumping or fill activity must obtain a permit before work is started.

Section 6. Permit Requirements

- a. The fee for the required permit is \$35.00 and the permit shall be good for 30 days.
- b. A limit of 2 permits shall be issued for each parcel per year.

Section 7. Residential Property

All residential zoned property shall be exempt from obtaining dump and fill permit if fill does not exceed 12 inches (1 ft.) in depth.

Section 8. Penalties

Every person convicted of a violation of any provision of this ordinance or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than one hundred (\$100.00) dollars and cost of prosecution or imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall contribute a separate offense. The imposition of any such sentence shall not exempt the offender from compliance with the ordinance.

Section 9. Construction

Wherever the word "person" is used in this ordinance it shall also be deemed to include all firms, associations, organizations, partnerships, trust companies and/or corporations as well as individuals; wherever the singular is used it shall also include the plural; wherever the masculine is used it shall also include the feminine and neuter.

Section 10. Effective Date

This ordinance shall become effective 30 days after its adoption.

Section 11. Publication of Ordinance

The Township Clerk shall publish this ordinance in the manner prescribed by law.

Mining and Excavation Ordinance

An ordinance to regulate the operation sand and gravel mining operations in the Charter Township of Madison.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Charter Township of Madison Mining and Excavation Ordinance.

Section 2. Permit Required

No person may operate or permit to operate on land in the Charter Township of Madison any mining or quarry operations without first obtaining a conditional use permit pursuant to the Charter Township of Madison Zoning Ordinance.

Section 3. Term of Permit

This conditional use permit shall be valid for five (5) years from date of issuance, subject however, to an annual review.

Section 4. Permitted and Prohibited Uses of the Property

- a. The property subject to this permit shall not be used for any purposes other than agricultural, housing development, sand and gravel mining, sorting, washing, stockpiling and or sales and transportation of mined materials.
- b. The uses not permitted on the property include, but are not limited to the following:
 - i. Establishment and/or operation of either a concrete or asphalt plant.
 - ii. Mixing of concrete or disposal of "concrete washwater".
 - iii. Establishment and/or operation of a landfill.

Section 5. Hours of Operation

From the period April 1 through October 31 of each year during this permit. The hours of operation for all trucking and shipping at the site shall be limited to the hours between 7:00

a.m. to 6:00 p.m. During the period November 1 through March 31, the hours of operation shall be limited from sunrise to sunset. There shall be no operation on Sundays and Holidays.

Section 6. Compliance with Zoning Ordinance

Except as specifically herein provided to the contrary, the mining operation shall conform to standards set forth in the Madison Charter Township Zoning Ordinance and in particular Sections 2.2.42 and 5.5.5 of that ordinance.

Section 7. Planting and Maintenance of Vegetation

Establishment and/or re-establishment of vegetation shall take place progressively in the same year that mining operations begin. The permit holder shall be responsible for the care and maintenance of such vegetation, until such time as it is no longer needed for visual screening, sound screening and/or dust control. Vegetation shall be evergreen trees in at least two rows. One row shall be on the top of the berm, with trees planted at intervals not to exceed twenty feet (20'). The second row shall be approximately halfway down the outside slope of the berm, with trees planted at intervals not to exceed sixty feet (60').

Section 8. Use of Topsoil

Topsoil shall not be stripped, excavated or otherwise removed from the premises for sale at retail or wholesale. All topsoil removed from the subject property shall be returned to the subject from the subject property.

Section 9. Sound Control

Any crushing equipment or device utilized on the premises shall be housed in a wooden building adequate to control noise and dust generated by the crushing operation and associated processes. Crushing equipment located on the property shall not generate noise in excess of fifty (50) decibels at five hundred (500) feet. On materials mined from the property which is subject to this permit may be crushed on the premises.

Section 10. Controlling Access to Work Site

Access, including roads to the mining operation shall be closed off by means of fences and gates, as specified by Township during hours when mining activities cease.

Section 11. Road Improvements

Roads to the mining operations shall be improved to a "Class A" road. If, in the future, further road improvements are recommended by the Lenawee County Road Commission as a result of increases in traffic to and from site, any such recommended improvements shall be put into place at the earliest practical date after the Road Commission has specified the nature of the improvement. All road improvements and associated costs shall

be the responsibility of the mining operator, without cost to the Township.

Section 12. Dust Control

There shall be located on the site at all times a "water wagon" available and of sufficient capacity for controlling dust on the roads located within the site.

The use of chemical dust suppressants other than water shall be approved in advance of use by the Township Board.

Section 13. Safety Programs

The mining operator will cooperate in and support any safety program intended to improve awareness of school bus traffic as requested by officials of local school districts and any requests for traffic lights, speed reductions or other traffic control measures sought by the Township.

Section 14. Annual Review of Permit

The conditional use permit shall be reviewed annually and shall be subject to review of past performance and verification that operations have been conducted according to the requirements of the permit and approved plans, the requirements of the Township Zoning Ordinance, and the requirements of this Mining and Excavation Ordinance. Site operations shall be open to inspection at all times and as often as necessary to assure compliance.

If at any time while this permit is in effect, the Township Board or, its designated agent, the Zoning Compliance Officer, determines that the mining operator has violated the terms or conditions of this permit or the applicable provisions of the Township Zoning Ordinance and such violation constitutes a threat to health or safety, this permit shall lapse immediately and all operations at the site shall cease until such time as the deficiency has been cured.

If any non-compliance is noted, other than one which constitutes a danger to health or safety, the Township Board or its designated agent, the Zoning Compliance Officer, shall, in writing, notify the mining operator of such deficiency and upon notification, the mining operator shall, within fifteen (15) days, either cure such deficiency or provide the Township Board with a written summary of corrective action being implemented and an estimate of a reasonable amount of time needed to bring its operation into compliance.

Any costs incurred for special inspections, consultant fees, or special studies made to insure compliance with permit shall be paid by the mining operator.

Section 15. Performance Bond

Financial guarantees in the form of a performance bond shall be furnished the Township prior to commencement of mining operations in order to insure proper rehabilitation and

reclamation in accordance with the provisions of the Township Zoning Ordinance.

The bond shall be in the amount determined by the Township Board following a recommendation from the Township Planning Commission.

In determining the area to which the performance bond is to apply, the following shall be included:

- a. Any area stripped of topsoil or overburden;
- b. Areas from which material is extracted;
- c. Areas utilized for stockpiling extracted material, overburden and topsoil;
- d. Any area which from a past term of operation has not been fully rehabilitated;
- e. Any other land determined by the Township Planning Commission as integral to the operation and requiring protection under a financial guarantee;

Financial guarantees shall be in the form of cash, certified check, corporate surety bond of an insurance company licensed to do business in the State of Michigan and agreeable to the Township board, letter of credit or securities. The guarantees shall remain in effect and be supplied until such time as it is determined by official inspection that the acreage it guarantees is rehabilitated and the release of the bond or any portion thereof shall require the recommendation of the Township Planning Commission and approval of the Township Board.

Section 16. Citizen Complaints

The mining operator will designate an individual to receive citizen complaints. The Township Board shall designate an individual to receive citizen complaints and transmit them to the mining operator. The permit holder will make all efforts which may be practical under the circumstances to accommodate citizen concerns.

Section 17. Assignment of Permit

This permit and the rights conferred hereunder are granted exclusively and may not be assigned without the express written approval of the Township Board. Such approval shall not, however, be arbitrarily or unreasonably withheld.

Section 18. Amendment of Permit

- a. These conditions may, during the term of this permit, be altered to accommodate practical necessities, under the procedure set forth presently in the Township Zoning Ordinance.

- b. Minor field variations in features or locations of proposed features due to topographical or other physical considerations shall not require amendment of the approved site plan or amendment of these conditions.

Section 19. Indemnification and Hold Harmless

The mining operator agrees to indemnify and hold the Township harmless from any and all fees, fines, expenses, claims or costs, including , without limitation, attorney fees and court costs, incurred by the Township as the result of any environmental problems or accidents at the site. Further, the mining operator agrees to undertake at its sole expense, any remediation costs ordered by a governmental agency necessary to cure any environmental damage to the property.

Section 20. Defense of Future Claims

If a suit is commenced against the Township or any of its agents, employees or elected officials by a third party for any damages or claims arising out of the operation of the mining enterprise by the mining operator, at the Township's request, the mining operator will agree to assume the defense of the Township before any court or administrative agency or, at the mining operator's option, to assume the cost of any such defense, and further, the mining operator shall indemnify and hold the Township harmless from any claims asserted against the Township arising out of mining operations within the Township. If the mining operator opts to pay for the costs of defense, the Township agrees that the mining operator shall be allowed to control the defense. Failure to allow the mining operator to control the defense shall void any obligation on the part of the mining operator to pay for such defense. This indemnification would not apply to any claim against the Township for damages arising out of acts or omissions attributable to the Township, excluding the issuance of the permit.

Section 21. Excavation Surcharge

The mining operator shall pay to the Township an amount equal to .05 cents per yard for each yard of sand or gravel mined from the site. It is understood that the mining operator does not measure the sand and gravel as it is removed from the earth, but rather it is measured at such time as the materials are trucked from the site.

Consequently, for purposes of computing the amount owed to the Township for any given year, the mining operator will compute this excavation surcharge based upon the number of yards trucked from the site during the year.

The mining operator shall disclose to the Township the total number of yards trucked from the site and shall provide the Township with any supporting documents necessary to establish this amount. This excavation surcharge shall be paid within two (2) months after the end of the mining operator's fiscal year.

Section 22. Monitoring Water near Fuel Supply

- a. The mining operator shall locate at least one (1) monitoring well a maximum of 100 feet down gradient of the permanent location of fuel supply tanks to be placed on the property. Once fuel supply tanks have been placed in their permanent location, as indicated in the filed site plan, the mining operator shall conduct test for total petroleum hydrocarbons (TPH) on the well down gradient of fuel supply tanks and one up gradient well.
- b. These tests shall be conducted on a quarterly basis for the first year after the location of the fuel supply tanks and on an annual basis thereafter.

Section 23. MEASUREMENT OF WATER LEVELS

During the first year of this permit, or the first year after installation of a monitor well, whichever is later, the mining operator shall measure water levels on a monthly basis.

Section 24. Blasting Regulations

Wherever and whenever blasting or the setting off of an explosive blast occur on the site, said blasting or setting off of an explosive blast shall be conducted in such manner that the maximum peak particle velocity of any one of three mutually perpendicular components of ground motion in the vertical and horizontal and longitudinal directions resulting therefrom shall not exceed two (2") inches per second at the nearest property line of the property at which said blasting or setting off of an explosive blast occurs and shall not exceed two (2") inches per second at a point three hundred (300') feet from the explosive blast; however when the distance from the explosive blast exceeds one thousand (1,000') feet from the nearest property line, the maximum peak particle velocity shall not exceed two (2") inches per second at a point five hundred (500') feet from the explosive blast. Blasting and the setting off of an explosive shall be restricted to the hours between 10:00 a.m. and to 6:00 p.m., Monday through Friday.

Section 25. Minimum Set-back Requirements for Excavations

There shall be no excavation on said site closer than the following: 1) two hundred (200) feet from any public road; and 2) one hundred (100) feet from any property line; and 3) two hundred (200) feet from any existing residential structure. As part of the restoration, the one hundred (100') foot wide perimeter around the area of excavation shall be sloped downward the area of excavation at the slope of one (1') foot vertical for each seven (7') feet horizontal. The slope shall commence at the existing grade.

Section 26. Penalty

Every person convicted of a violation of any provision of this ordinance or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than one hundred (\$100.00) dollars and costs of prosecution or imprisonment for not more

than ninety (90) days or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall contribute a separate offense. The imposition of any such sentence shall not exempt the offender from compliance with the ordinance.

Section 27. Severability

If any court of law of equity within the State of Michigan determines that any provision within this ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same section and other sections of this ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 28. Enforceability or Mandatory Injunction

As a cumulative remedy to Section 26 above entitled PENALTY any person who violates any provision of this ordinance or any rule or regulation adopted or issued in pursuance thereof, may be made a party defendant in a suit in the Circuit Court for the County of Lenawee; the Charter Township of Madison shall have the power, through its attorneys, to request that said Circuit Court issue a Mandatory Injunction compelling the said Party Defendant in violation of this ordinance to forthwith comply with said ordinance.

Section 29. Effective Date

This ordinance shall become effective thirty (30) days after its adoption.

ORDINANCE NO. 25

Land Division Ordinance

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the township general ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Madison Charter Township Land Division Ordinance.

Section 2. Purpose

The purpose of this ordinance is to carry out the provisions of the State Land Division Act, 1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

Section 3. Definitions

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- a. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- b. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from

one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances.

- c. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- d. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- e. "Governing body" - the Madison Charter Township Board.

Section 4. Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval of the Township Zoning Administrator, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- a. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- b. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- c. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

Section 5. Application for Land Division Approval

An applicant shall file all of the following with the official designated by the Township, for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- a. A completed application form on such form as may be approved by the Township Board.
- b. Proof of fee ownership of the land proposed to be divided.
- c. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.

- d. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- e. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- f. A fee of \$50 to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act for a single lot split and a fee of \$200 to cover the costs for a multiple lot split application.

Section 6. Procedure for Review of Applications for Land Division Approval

- a. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- b. Any person or entity aggrieved by the decision of the Zoning Administrator or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- c. The Zoning Administrator or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- d. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- e. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

Section 7. Standards for Approval of Land Divisions

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- a. All parcels created by the proposed division(s) have a minimum width of 200 feet as measured at the (road frontage; required front setback line, whichever is appropriate) unless otherwise provided for in an applicable zoning ordinance.
- b. All such parcels shall contain a minimum area of 1 acres unless otherwise provided for in an applicable zoning ordinance.

- c. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.
- d. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.
- e. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

Section 8. Consequences of Noncompliance with Land Division Approval Requirement

- a. Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.
- b. An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

Section 9. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 10. Repeal

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

Section 11. Effective Date

This ordinance shall take effect upon publication following its adoption.

Adult Oriented Business and Sexually Explicit Materials

An ordinance to adopt reasonable regulations for adult oriented business so as to minimize the injury caused by this activity on the public health, safety, and welfare on the persons and property within the township and to regulate the display and sale of sexually explicit materials.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Legislative Findings and Intent

The Township Board of Madison Charter Township recognizes and concludes that an "adult oriented business" as that term is more particularly described in Section 3 of this Ordinance, engages in activities which, because of their nature, are known to have seriously objectionable operational characteristics. Adult Oriented Businesses have a deleterious effect on adjacent areas and unless properly regulated will result in the destruction of neighboring property values and a threat to the public health, safety and welfare of the persons in Madison Charter Township. Accordingly, it is the intent and purpose of the Madison Charter Township Board to regulate, but not to exclude, Adult Oriented Businesses in the Township, so as to minimize the injury caused by their activities on the public health, safety, and welfare on the persons and property within the Township.

Section 2. Short Title

This Ordinance shall be known and may be cited and referred to as the Madison Charter Township Adult Oriented Business Ordinance and shall hereinafter be referred to as "this Ordinance."

Section 3. Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- 3.1 *Adult Oriented Business.* Adult Oriented Business means the following types of businesses:
- a. *Adult Bookstore.* An business having a substantial or significant portion of its stock in trade devoted to the sale or rental of sexually explicit materials.

- b. *Adult Cabaret.* An business which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show specific anatomical areas of their bodies or who engage in, perform, or simulate specific sexual activities.
 - c. *Adult Motion Picture Theater.* An business used for presenting to others motion picture films, video cassettes, cable television, or other visual media, distinguished or characterized by an emphasis on specific sexual activities or specific anatomical areas for observation by patrons therein.
 - d. *Adult Novelty Business.* An business having a substantial or significant portion of its stock in trades devoted to the sale or rental of adult novelty items.
 - e. *Adult Personal Services Business.* An business having a person or persons, while nude or while displaying specific anatomical areas, providing another person or persons personal services including, but not limited to massage parlors, exotic rubs, modeling studios, tattoo parlors, body painting studios, wrestling studios, and theatrical performances.
- 3.2 *Adult Magazines.* Any magazine designed to appeal to erotic or sexual appetites or inclinations through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by:
- a. the portrayal of one or more persons involved or engaging in specified sexual activities; or
 - b. by an emphasis on the display of human specified anatomical areas.
- 3.3 *Adult Movies.* Any movie, whether recorded or stored on film, videotape, or digital media designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by:
- a. the portrayal of one or more persons involved in or engaging in specific sexual activities; or
 - b. by an emphasis on the display of human specified body areas.
- 3.4 *Adult Novelty Items.* Any instrument, device, or paraphernalia which depicts or describes any specific anatomical area or any specific sexual act, or which is designed for use, or commonly used, in connection with specific sexual activities, excluding condoms and other birth control and disease prevention products
- 3.5 *Business.* A business or enterprise which utilizes any building, structure,

premises, parcel, place or area, regardless of whether the business operated as is a sole proprietorship, partnership, corporation or limited liability company.

- 3.6 *Massage Parlor.* Any business where private massage is practiced, used, or made available as a principal use of the premises.
- 3.7 *Materials.* Anything tangible, whether through the medium of reading, observation, sound, or in any other manner, including, but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, greeting cards, motion picture, photograph, video tape, video disk, film, transparency, slide, audiotape, audio disk, computer tape, holographic images, or any other medium used to electronically produce or reproduce images, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent. This definition is intended to include material which is the product of any technology, whether that technology is available on the effective date of this Ordinance or becomes available after that date.
- 3.8 *Sexually Explicit Materials.* Any adult magazine, any adult movie, any adult novelty item and any other material depicting or portraying specific anatomical areas or specific sexual activities as defined in this Ordinance.
- 3.9 *Specific Anatomical Areas.* Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the line of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 3.10 *Specific Sexual Activities.* Activities which include, but are not limited to: human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of genitals, pubic regions, buttocks, or female breasts.
- 3.11 *Substantial or Significant Portion.* An business is deemed to have a substantial or significant portion of its stock in trade devoted to sexually explicit materials if:
- a. Twenty-five percent (25%) of the business's retail floor space (i.e., excluding bathrooms, office areas, fitting rooms, eating areas, storage rooms/closets, etc.) is used for the sale of sexually explicit materials; or
 - b. Twenty-five percent (25%) of the business's visible inventory is comprised of sexually explicit materials; or
 - c. Twenty-five percent (25%) of the business's gross revenues are generated by the sale or rental of sexually explicit materials.

Section 4. Location

An Adult Oriented Business regulated by this Ordinance may be located in the Township only in conformance with the following restrictions:

- 4.1 No Adult Oriented Business shall be permitted within five hundred (500) feet of any of the following:
- a. a state licensed child care facility;
 - b. a church, place of worship, or other religious facility;
 - c. a day nursery, preschool, primary school, secondary school, college or university;
 - d. a public library, public building, public park, public playground;
 - e. a zoning district (excluding agricultural districts) in which residential uses are permitted;
 - f. a dwelling used or designed for residential purposes, regardless of the zoning district in which it is located;
 - g. any other Adult Oriented Business.
- 4.2 The distances provided for in this section shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest point of the property line of the Adult Oriented Business and property line of the use, structure or zoning district proscribed in subsection 4.1, above.

Section 5. Persons Younger Than Eighteen Prohibited From Entry.

No person under the age of 18 years shall enter or be on the premises of an adult oriented business at any time the adult oriented business is open, nor shall any owner, partner, performer, contractor, or employee of an adult oriented business sell or provide goods, merchandise, or services to persons under the age of 18.

Section 6. License Required

No Adult Oriented Business shall be established, maintained, or conducted in Madison Charter Township by any person without the owner or operator first obtaining a license to operate such place from the Township Board. Any such license shall be valid only one year from the date of issuance.

Section 7. Application

Every owner or operator as defined herein desiring to obtain a license as required by this Ordinance shall file a written application to the Township of Madison, together with an application fee of \$500.00 or as provided by resolution of the Township Board to defray the costs of administration of this Ordinance in the initial phase of licensing. The application shall be filed with the Township Clerk who shall be responsible for processing the application and forwarding the same to the Township Board. The application shall include the following information:

- 7.1 Name of owner and operator; if a partnership, names of all partners; if a firm, society, club or association, names of all officers and directors; if a corporation, the objects for which organized, the names and addresses of the officers and directors, and if more than 30% of the outstanding stock of such corporation is owned by one person or in joint ownership, then the name of such person(s);
- 7.2 Addresses of all listed as above;
- 7.3 The location and description of the premises or place where the Adult Oriented Business will be located, and a description of the type of adult oriented activity conducted on the premises;
- 7.4 A site plan showing the location of the Adult Oriented Business and the distance between the nearest point of the property line of the Adult Oriented Business and property line of the use, structure or zoning district proscribed in subsection 4.1, above, measured by projecting a straight line without regard for intervening buildings or structures.
- 7.5 The total square footage of floor space in the room or building in which the Adult Oriented Business will be operated, along with a building and plot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, security arrangements for maintaining order, noise control, and, where appropriate, adequate plans for screening.
- 7.6 Whether the owner or operator has at anytime been convicted of a felony or offense involving moral turpitude or has been convicted-of any alcohol or narcotics violation or violation of any gambling laws or ordinances.
- 7.7 Whether or not any permit or license heretofore granted to applicant to engage in any business has been revoked or denied, and, if so, the circumstances surrounding the revocation or denial.
- 7.8 A statement whether the applicant has made application for a similar license on premises other than that described in its application, and the disposition of such application.

- 7.9 A schedule of the days of the week and the hours of such days during which the applicant seeks permission for the operation of the Adult Oriented Business.
- 7.10 The application shall be signed by both the owner and operator. In the case of a club, society, corporation, firm, or association, the owner's signature requirement shall be met by the signature of the President and Secretary or equivalent officers with proper authority. Where the ownership is a partnership, the signature of all general partners are required. Any false or incorrect statements made on any such application shall be immediate and substantial grounds for revocation of a license granted pursuant to such application.

Section 8. Inspection of Premises

Before an Adult Oriented Business license shall be issued, investigation of the application and inspection of the premises shall be made by the Township building official, fire chief, or their agent, and such other departments or agencies as may be deemed necessary by the Township Board to determine whether the premises fully comply with all pertinent ordinances and regulations. Before any Adult Oriented Business license may be recommended for approval, it must be determined that the applicant is providing sufficient off-street parking and sufficient aids and regulations whereby vehicular traffic shall not constitute a nuisance or danger. For a standard of such determination, minimum off-street parking facilities shall be as required by the zoning ordinance of the Charter Township of Madison. Before the fire chief or his agents approve the same, it must be determined that adequate space is provided to permit safe ingress and egress in said premises. The building official shall determine whether the building involved meets all requirements of the Township's building code and other applicable Township ordinances, including the zoning ordinance.

Section 9. Issuance of License

No Adult Oriented Business license shall be issued:

- 9.1 For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing, or Fire Codes, applicable zoning regulations, applicable Public Health Regulations, or any other applicable Township Ordinance or state law.
- 9.2 For premises where it is determined by the Township Board that the premises do not have adequate off-street parking, exterior and interior lighting, refuse disposal facilities, security arrangements for maintaining order, screening, and noise or nuisance control.
- 9.3 For premises that fail to meet the required distance requirements in Section 4 above.
- 9.4 Until the Township Building Department and the Township Fire Department have

inspected the subject premises and ascertained that all physical requirements have been complied with, the adequacy of security arrangements on the premises for maintaining order and avoiding public disturbance is satisfactory.

Section 10. Time Requirements; License Denial

The Township Board shall act on an license application or license renewal application within sixty (60) days of the date the application is filed with the Township Clerk. If the Township Board determines after a review of the application and accompanying written recommendations that an application for a license under this Ordinance must be denied, the Township Clerk shall inform the applicant of this fact by written notice either personally served on the applicant or mailed by First Class mail to the applicant's last known address. This written notice shall inform the applicant of the reasons the application was denied and of the applicant's right to seek judicial review of the decision.

Section 11. License Renewal Fee

Any application to renew a license previously issued under this Ordinance shall be accompanied by a renewal fee of \$250.00 to help defray the costs of administering the Ordinance during the renewal phase of licensing.

Section 12. Suspension or Revocation of License

Any license issued under this Ordinance may be revoked or suspended during the period of its issuance as a result of any violations of the terms and conditions of the license and this Ordinance. Such revocation or suspension shall be determined by the Township Board at a meeting of the Board preceded by notice to the licensee of the proposed action and the reasons therefore, and the time, date, and place of the meeting at which the matter is to be heard. This notice shall be either personally served or mailed by First Class mail to the applicant's last known address at least seven (7) days prior to the date of the Township Board meeting which this matter is to be heard. The licensee shall have an opportunity to present any evidence or arguments on its own behalf at that time. The extent of the suspension or revocation shall be in the discretion of the Township Board and shall be based upon the nature of the violation or violations which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The reasons for any suspension or revocation shall be set forth in writing and mailed to the licensee at its last known address within seven (7) days after the Township Board decision concerning the same.

Section 13. Regulations Pertaining to Displaying Sexually Explicit Materials.

13.1 Any business that sells or rents sexually explicit materials, but is not a regulated Adult Oriented Business, as defined in this Ordinance, shall store or display such materials so that they are not visible to persons outside of the premises.

- 13.2 Any business that sells or rents sexually explicit materials, but is not a regulated Adult Oriented Business, as defined in this Ordinance and permits persons under the age of 18 years unaccompanied by a parent or legal guardian to enter or be on the premises, shall be subject to the following rules and regulations:
- a. All sexually explicit materials shall be stored or displayed so that the materials are covered or otherwise shielded from the view of patrons.
 - b. All sexually explicit materials shall be stored or displayed so that persons under eighteen (18) years of age shall not have access to the materials.
 - c. No owner, partner, performer, contractor, or employee of shall sell or provide sexually explicit materials to persons under eighteen (18) years of age.
 - d. A sign containing the following warning shall be posted, either at the entrance to the premises or, if the sexually explicit materials are segregated from other merchandise being sold or rented, at or near the area where such materials are being displayed, warning anyone entering that sexually explicit materials unsuitable for viewing by minors are present. The dimensions of the sign shall be no less than twelve inches by twelve inches (12" x 12") and the lettering on the sign shall be a minimum of one inch (1") in height.

"WARNING: Sexually Explicit Materials, not suitable for viewing by minors are displayed in this business establishment."

Section 14. Repeal

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed, including without limitation, the prior Ordinance 26 of the Charter Township of Madison, which is replaced by this Ordinance.

Section 15. Severability

This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 16. Penalties and Remedies for Violations

- 16.1 Any person or business violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed in fines as follows:

- a. first violation \$100.
- b. second violation within a 4-year period \$125.
- c. third violation within a 4-year period \$250.
- d. fourth or subsequent violation within a 4 year period \$400.

In addition to the penalties any person deemed responsible for a civil infraction shall also be liable for the cost to the Township to prosecute any such violation.

16.2 In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief. Further, upon a determination by a court that a person has violated the this Ordinance thereby creating a nuisance per se, the Township shall be entitled to its actual attorney fees incurred in seeking abatement of the nuisance.

Section 17. Effective Date

This Ordinance shall become effective immediately upon publication in a newspaper of general circulation in the Charter Township of Madison, Lenawee, County, Michigan.

Water Conservation Ordinance

An ordinance to provide for the conservation of the natural water supply of water within Madison Charter Township primarily furnished through private wells for domestic, agricultural, commercial, industrial and recreational uses therein; to regulate the use and removal of such water from the township: to establish standards for such use and/or removal; to protect the health, safety, general welfare and economic welfare of citizens, residents, property owners, farmers, businesses and industries within the township, dependent upon an adequate natural water supply; to provide for the enforcement of such regulations; and to repeal any ordinances or parts of ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This ordinance shall hereafter be known and cited as “Madison Township Water Conservation Ordinance” and will be referred to herein as “this ordinance”.

Section 2. Purpose

Since water supply for domestic, agricultural, commercial and industrial uses within the township is primarily dependent upon private wells which have substantially proven to be satisfactory for such purposes. it is the object and purpose of the within ordinance to protect such water supply for such uses and accordingly, the health, safety and general welfare of the inhabitants, businesses, farms and industrial activities within the township through limits and regulations affecting removal of such water supply from the township or excessive use thereof by any separate operator or consumer.

Section 3. Definitions

- 3.1 The word “persons” whenever used herein shall be held and construed to mean and include one or more persons, firms, co-partnerships, corporations (private or public) and all associations of natural persons Incorporated or unincorporated, whether acting separately, collectively or by servant, agent or employee
- 3.2 The term “township board” whenever used herein shall mean the Madison Charter Township Board or such committee or commission to whom the Madison Township Board’s authority has been duly and properly delegated.
- 3.3 The term “water pumping facilities or equipment” when used herein shall mean and

include pumps, pipes, wells, transmission lines and any other equipment for the extraction from the subterranean aquifer and the transmission of water. When such facilities or equipment are part of one system or are in any manner combined with other systems, such terms shall mean the total system or network of pumps, pipes, transmission lines and other equipment.

Section 4. Regulations

- 4.1 No person shall construct, erect, put down, install or maintain water pumping facilities or equipment for the purpose of obtaining water for other than use on the premises upon which such water pumping facilities or equipment are located within the Charter Township of Madison except as hereinafter provided.
- 4.2 Notwithstanding anything herein to the contrary, the provisions of this ordinance shall not be applicable to any public water system established and operated or approved by the Madison Charter Township Board for its residents, farms, businesses and industries and which water supply system is readily available to such residents, farms, businesses and industries which might be adversely affected by the depletion of any subterranean water supply for such public water system
- 4.3 No transmission lines for any water system within the township (either public or private) shall be constructed along or across any public roads or public places of the township without the prior consent of Madison Charter Township Board pursuant to Section 29 of Article VII of the Michigan Constitution.

Section 5. Waiver from General Prohibition

- 5.1 Any person seeking the use of water from a premises other than the premises from which such water is obtained may apply to the Township Board for a waiver from the general prohibition against such use.
- 5.2 The township board shall have the authority to grant such waiver upon a showing that:
 - a. the contemplated use of water for which the waiver is sought is necessary
 - b. water cannot be reasonably furnished from a different source or sources
 - c. the granting of the waiver will not unreasonably lower or deplete the head, pressure or supply of water of any other well or spring, dependent upon the same head, vein or subterranean aquifer.
- 5.3 The burden of proof to support the granting of any waiver of compliance with the within ordinance shall be upon the applicant for such waiver. The applicant must provide to the Township sufficient data, in a form acceptable to the township board, disclosing maximum pumping capacity of the water pumping facilities or equipment and the nature of the subterranean water supply as evidenced by professional

geological surveys and estimates.

- 5.4 In the event the township board determines that additional proof is needed on any of the issues relevant to a waiver request, the township board shall be authorized to retain any experts necessary to assist in its deliberations and cost of such experts shall be paid for by the applicant. In such circumstances the applicant shall be required to place in escrow with the Township an amount reasonably determined by the township board to cover the cost of such experts. Any money placed in escrow and not used for expert expenses shall be returned to the applicant and any shortfall in the escrow account shall forthwith be paid for by the applicant.
- 5.5 In granting a waiver from the general prohibition herein established, the township board shall have the right to:
- a. place limitation on the amount of water allowed to be pumped
 - b. specify the type and size of water pumping facilities or equipment allowed to be constructed, erected, put down, installed
 - c. establish and enforce rules and regulations regarding the maintenance of the water pumping facility.
- 5.6 The township board or its authorized agents shall have the right to enter upon the subject premises where such facilities or equipment are to be located to make such inspections, tests, or metering as it deems necessary both during the waiver application process and after the granting of any such waiver in order to determine compliance with the waiver permit.

Section 6. Violation Deemed a Nuisance per se

The obtaining of water through the use of water pumping facilities or equipment within Madison Charter Township other than for the uses and subject to the limitations set forth herein is hereby determined to be unreasonable and unnecessary and a nuisance per se.

Section 7. Enforcement

- 7.1 Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of \$1,000 per day that any such violation continues to exist.
- 7.2 Additionally, any violator shall be liable for the costs of enforcement of the within ordinance which includes all expenses, direct or indirect, to which Madison Charter Township has expended in connection with such municipal civil infraction. In no case, however, shall costs of less than \$300 be ordered.

7.3 As a cumulative remedy any person who violates any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof, may be made a party defendant in a suit in the Circuit Court for the County of Lenawee; the Charter Township of Madison shall have the power, through its attorneys, to request that said Circuit Court issue a mandatory injunction restraining order or other appropriate remedy to compel compliance with the within ordinance.

Section 8. Validity

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the parts so declared to be invalid.

Section 9. Repeal

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 10. Effective Date

This Ordinance shall become effective upon publication following its adoption by the Madison Charter Township Board.

ORDINANCE NO. 28

Fire Escrow Ordinance

An ordinance to establish an escrow account pursuant to MCL §500.2845

Whereas, within the last several years, fires or explosions have occurred in the Charter Township of Madison where severe damage has been sustained to building and other structures; and

Whereas, on occasion, such buildings have gone unrepaired while the owners have collected insurance proceeds as a result of the fire or explosion; and

Whereas, it is permissible for the Charter Township of Madison to elect to have withheld fifteen (15%) percent of such insurance proceeds to protect the public health safety for the repair, replacement or removal of a structure damaged by fire or explosion;

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Establishment of Escrow

Pursuant to the authority of MCL §500.2845, the Charter Township of Madison establishes an escrow account as prescribed in this statute in order to withhold funds as therein authorized.

Section 2. Applicability

The provisions of this Ordinance shall apply to all property located within the Charter Township of Madison.

Section 3. Notice to the State of Michigan

The attorney for the Charter Township of Madison shall notify the Commissioner of Insurance for the State of Michigan of the establishment of this escrow account and of the adoption of this Ordinance.

Section 4. Publication of Ordinance

The Township Clerk shall publish this Ordinance in the manner prescribed by law.

ORDINANCE NO. 29

Municipal Ordinance Violations Bureau Ordinance

An ordinance setting forth the authority and procedures for designating violations of township ordinances as municipal civil infractions, establishing a municipal ordinance violations bureau for the purpose of accepting admissions of responsibility for ordinance violations, authorizing the issuance of civil infraction notices and citations and the manner of serving the same; establishing sanctions for municipal civil infractions; authorizing the collection and retention by the township of civil fines / costs for such violations as prescribed herein and to repeal all conflicting ordinance or parts of ordinances.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Charter Township of Madison Civil Infractions and Municipal Ordinance Violations Bureau Ordinance.

Section 2. Definitions.

As used in this Ordinance:

- a. "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- b. "Authorized township official" means a police officer or other personnel of the township authorized by this ordinance or any other township ordinance to issue municipal civil infraction citations.
- c. "Municipal civil infraction" means an act or omission that is prohibited by any ordinance of the township and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of any township ordinance that is a criminal offense.
- d. "Municipal civil infraction citation" means a written complaint prepared by an authorized township official and filed with the court, in those cases where the alleged violator either denies responsibility or admits responsibility with explanation following the issuance of a municipal civil infraction notice.

- e. *"Municipal civil infraction notice"* means a written notice, prepared by an authorized township official, notifying a person of the occurrence or existence of a municipal civil infraction violation and directing that person to appear at the Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township, as authorized under Sections 8396 and 8707(6) of the Act.

Section 3. Establishment, Location and Personnel of Municipal Ordinance Violations Bureau¹

- 3.1 *Establishment of Bureau.* The Madison Charter Township Municipal Ordinance Violations Bureau (hereafter Bureau) is hereby established pursuant to Section 8396 of the Act (MCL 600.8396), for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.
- 3.2 *Location of Bureau.* The bureau shall be located at the Charter Township hall/office or other such location in the Charter Township as may be designated by the Charter Township board.
- 3.3 *Personnel.* All personnel of the bureau shall be Charter Township employees. The Charter Township board may by resolution designate bureau personnel and a bureau clerk with the duties prescribed herein and as otherwise may be delegated by the Charter Township board.

Section 4. Bureau Authority

The bureau shall only have authority to accept admissions of responsibility without explanation for municipal civil infractions for which a municipal ordinance violations notice has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this ordinance or other applicable ordinance. The bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

Section 5. Civil Infraction Action.

- 5.1 *Commencing Action.* A municipal civil infraction action shall be commenced by the issuance of a municipal civil infraction notice by an authorized township official directing the alleged violator to contact the bureau for purposes of admitting or denying responsibility for the violation.
- 5.2 *Grounds for Issuing Notice.* An authorized township official may issue a municipal

¹Section 3 amended by Ordinance 05-____

civil infraction notice to a person if:

- a. The authorized township official witnesses that person commit a municipal civil infraction, or
- b. Based upon investigation, the official has reasonable cause to believe that that person is responsible for a municipal civil infraction; or
- c. Based upon investigation of a complaint by someone who allegedly witnessed that person commit a municipal civil infraction, the official has reasonable cause to believe that that person is responsible for an infraction and if the township attorney approves in writing the issuance of the municipal civil infraction notice.

Section 6. Civil Infraction Notice

6.1 *Contents of Notice.* A municipal ordinance notice shall at a minimum contain the following information:

- a. The name and address of the alleged violator;
- b. The municipal civil infraction alleged;
- c. The address and telephone number of the bureau;
- d. The days and hours that the bureau is open.
- e. The amount of the scheduled fines/costs for the violation
- f. The time within which the person must contact the bureau for purposes of admitting or denying responsibility for the violation;
- g. The methods by which the violation may be admitted or denied; and
- h. The consequences of failing to pay the required fines/costs or contact the bureau within the required time;

6.2 *Rights of Violator.* Further, the municipal civil infraction notice shall inform the alleged violator that he or she may do one of the following:

- a. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance
- b. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
- c. Deny responsibility for the municipal civil infraction by doing either of the

following:

- (1) Request an informal hearing in which event he or she shall appear in person for an hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township; or
- (2) Request a formal hearing before a judge, with the opportunity of being represented by an attorney.

6.3 *Effect of Failure to Admit.* The municipal civil infraction notice shall also inform the alleged violator that in the event the alleged violator admits responsibility "with explanation", denies responsibility or fails to contact the bureau within the prescribed time, a municipal civil infraction citation shall be issued and served.

Section 7. Civil Infraction Citation

7.1 *When Citation Shall Issue.* Where a person fails to admit responsibility without explanation for a violation within the jurisdiction of the bureau and pay the required civil fines/costs within the designated time period, the bureau clerk or other designated Township employee(s) shall advise the authorized township official to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter.

7.2 *Contents of Citation.* The citation filed with the court and served on the alleged violator shall contain the following information:

- a. The name and address of the alleged violator;
- b. A sworn complaint containing all the allegations regarding the violation as set forth in the municipal civil infraction notice;
- c. The place where the alleged violator shall appear in court;
- d. The address and telephone number of the court; and
- e. The time as or by which the appearance shall be made.
- f. Clear and unambiguous information on how the alleged violator must respond to the citation.
- g. Notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

7.3 *Rights of Violator.* The citation shall also inform the alleged violator of his or her

right to admit or deny the violation, as more fully set forth Section 6b of this ordinance.

- 7.4 *Service of the Citation.* A copy of the citation may be served on the alleged violator either by personal service or by first class mail sent to the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

Section 8. Schedule of Civil Fines/Costs²

Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule and on the basis of the of the date of the violation(s):

- First violation \$100
- Second violation within a 4-year period \$150
- Third violation within a 4-year period \$250
- Fourth or subsequent violation within a 4 year period \$500

In addition to the above prescribed civil fines, costs in the amount of \$10 shall be assessed by the bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the bureau.

Section 9. Record and Accounting

The bureau clerk or other designated Charter Township official/employee shall retain a copy of all municipal ordinance violation notices and shall account to the Charter Township board once a month or at such other intervals as the Charter Township board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Charter Township treasurer at such intervals as the treasurer shall require, and shall be deposited in the general fund of the Charter Township.

Section 10. Availability of Other Enforcement Options

Nothing in this ordinance shall be deemed to require the Charter Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil

²Section 8 amended by Ordinance 05-01

infraction, the Charter Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

Section 11. Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

Section 12. Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 13. Effective Date

This ordinance shall take effect immediately upon publication as required by law following adoption by the Charter Township board.

State Construction Code Ordinance

An ordinance to assume responsibility pursuant to Act No. 230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement of said Act as to those portions of the State Construction Code promulgated thereunder consisting of the Michigan Building Code, the Michigan Residential Code, the Michigan Electrical Code, the Michigan Plumbing Code and the Michigan Mechanical Code; to provide for the designation of an enforcement officials hereunder; to provide for a Township Construction Board of Appeals; to permit the Township Board to set certain fees by Resolution of said Township Board; to provide for sanctions for violations of the aforementioned Act and Codes; and to repeal Madison Township Ordinance 16.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the Madison Charter Township State Construction Code Ordinance.

Section 2. Assumption of Administration and Enforcement

The Charter Township of Madison hereby assumes responsibility pursuant to Act No. 230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement of said Act as to those portions of the State Construction Code promulgated thereunder consisting of the Michigan Building Code, the Michigan Residential Code, the Michigan Plumbing Code, the Michigan Mechanical Code and the Michigan Electrical Code.

Section 3. Enforcement Officials

- a. The officials and inspectors listed in subsection (b) of this section, who shall be designated by Resolution of the Township Board, are hereby specifically authorized to investigate violations of the state construction code, serve notices of violation of the state construction code, issue and serve appearance tickets or uniform law citations as authorized by state statute, appear in court or other judicial proceedings to assist in the prosecution of any code violations, prepare cases for prosecution for violations of the state construction code, and perform such other state construction code enforcement duties as may be delegated by the enforcement agency/building official.
- b. The officials and inspectors whose authorities and duties are established in subsection (a) of this section are as follows:

1. The building official and deputy building official are authorized to administer and enforce the Building Code, Residential Code, Electrical Code, Mechanical Code, and Plumbing Code.
2. The designated building inspector(s) is/are authorized to enforce the Building Code and Residential Code.
3. The designated electrical inspector(s) is/are authorized to enforce the Electrical Code.
4. The designated mechanical inspector(s) is/are authorized to enforce the Mechanical Code.
5. The designated plumbing inspector(s) is/are authorized to enforce the Plumbing Code.

Section 4. Fees

The Township Board of the Charter Township of Madison is authorized to establish by Resolution at any regular public meeting a schedule of fees, rates and charges for the administering of State Construction Code Act, the aforementioned Code sections and this Ordinance, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned Resolution from time to time within the foregoing limits of reasonableness.

Section 5. Plans Specification

With each application for a building permit, and when required by the a designated inspector for enforcement of any provisions of the State Construction Code, two sets of plans and specifications shall be submitted. All plans and specifications shall comply with the provisions of such applicable code and all other applicable state or local regulations.

Section 6. Construction Board of Appeals

- a. *General.* There is established a Construction Board of Appeals (also referred to as a "Building Board of Appeals") of three (3) members appointed by the Township Board as follows:
 1. One person who is experienced as a general contractor.
 2. One person who is licensed electrician.
 3. One person who is a licensed plumber.
- b. *Tenure of Board.* The current members of the Construction Board of Appeals shall continue to serve until the expiration of their current terms. Thereafter, members

shall be appointed for terms of three (3) years.

- c. *Duties of the Construction Board of Appeals.* The Construction Board of Appeals shall act as an advisory board to the Township and shall have the following further powers and duties:
1. To provide for reasonable interpretation of the provisions of the Michigan Building Code, the Michigan Residential Code, the Michigan Plumbing Code, the Michigan Mechanical Code and the Michigan Electrical Code.
 2. Hear and decide appeals from and review any order, requirement, decision and determination made by the Madison Charter Township Building Official, except the Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the aforementioned Codes, nor shall the Board have the power to waive the requirements of the Codes except as provided below.
 3. Do acts, make decisions, and make such determinations as authorized or directed by Township Ordinance.
 4. To grant or approve alternatives from a substantive requirement of the aforementioned Codes if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:
 - i The performance of the particular item or part of the building or structure with respect to which an alternative is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the Code for that particular item or part for the health, safety and welfare of the people of the Township.
 - ii The specific condition justifying the alternative shall be neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.
 5. The Construction Board of Appeals is also assigned with the responsibility for interpreting, hearing appeals, approving alternate methods, and making other designated determinations as described above with respect to all other portions of the Michigan Construction Code administered and enforced by the Township.
- d. *Procedure for Appeals.* Appeals from the rulings of any official charged with the enforcement of the aforementioned Codes may be made to said Board within such time as shall be prescribed by the Township Board. The Appellant shall file with the Building Official and with the Township Clerk a notice of appeal specifying the ground therefore and stating the address of the Appellant. The Building Official shall set the matter for hearing and give due notice thereof to all interested parties. The

Construction Board of Appeals shall hear said matter and decide the same not later than thirty (30) days after submission of the appeal. Failure by the Board to hear an appeal and file a decision within the time limit is deemed a denial of the appeal for purposes of instituting a further appeal. The Construction Board of Appeals shall hear said matter and decide the same. Within the limits of its jurisdiction hereinabove described, the Construction Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have the powers of the official from whom said appeal is taken. The final disposition of such appeal shall be in writing and shall state the grounds therefore and shall be forthwith delivered to the Appellant at his or her last known address. Any person, including the Building Official, may file with the Construction Board of Appeals a request for an interpretation, approval of methods or materials, or any other matter provided for under the powers and duties of the Construction Board of Appeals in the same manner as provided for appeals herein. The Construction Board of Appeals may make such other further procedural rules as shall be necessary to perform its duties and exercise its powers hereunder.

- e. *Decisions of the Construction Board of Appeals - Finality.* An interested person or his authorized agent may appeal a decision of the Construction Board of Appeals to the Michigan State Construction Code Commission in accordance with the provisions of Act No. 230 of the Public Acts of 1972, as amended. In the absence of such an appeal, decisions of the Construction Board of Appeals become effective on the 11th business day after filing of the decision with the Building Official.
- f. *Meeting, Rules of Procedure, Quorum.* The Construction Board of Appeals shall meet at such times as said Board may determine. It may adopt bylaws and rules of procedure covering any matters upon which it may act. The Building Official or such person as he or she shall designate shall serve as secretary of the Construction Board of Appeals and shall keep records of the meetings. The minutes of the meetings shall be in writing, but may state the substance of any matter considered. Any orders shall be set out in full and shall state the grounds of the order in a manner reasonably stated to apprise the Appellant/Petitioner of the basis thereof. The presence of all three (3) members shall be necessary to constitute a quorum. The majority of the members present shall be necessary to decide any question.

Section 7. Violations and Penalties

A person who violates any provision of the state construction code for which the township has assumed enforcement responsibility is responsible for a municipal civil infraction for each and every day that the violation occurs.

Section 8. Sanctions

- a. *Civil Infraction.* A person who violates any provision of the State Construction Code for which the Township has assumed enforcement responsibility is responsible for

a municipal civil infraction for each and every day that the violation occurs, punishable by a civil fine determined in accordance with the following schedule:

	Fine
1st Offense within 5-year period*	\$100
2nd Offense within 5-year period*	\$150
3rd Offense within 5-year period*	\$250
4th or More Offense within 5-year period*	\$500

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Madison Charter Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$50 nor more than \$500 be ordered.

- b. *Other Remedies.* In addition to the foregoing, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance, 1972 PA 230, as amended and/or the aforementioned Codes. Each day that a violation exists shall constitute a separate offense.

Section 9. Severability

Should any part of this Ordinance or the aforementioned Codes being administered and enforced hereunder be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

Section 10. Publication and Effective Date

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating with the Charter Township of Madison, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

Section 11. Repealer

All ordinances inconsistent with the provisions of this ordinance, including without limitation Ordinance 16, are hereby repealed.

Exotic Animals Ordinance

An ordinance to regulate the possession, care, treatment and disposal of exotic animals held in private possession and to establish penalties for violation of the ordinance.

The Charter Township of Madison ordains as follows:

Section 1. Intent

It is the intent of the Charter Township of Madison to protect the public against health and safety risks that exotic animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment.

Section 2. Definitions

- a. "Animal control authority" means the municipal or county animal control agency or a county sheriff in an area that does not have an animal control office.
- b. "Exotic animal" means those species of animals that are exotic to humans. Exotic animals include, but are not limited to, any or all of the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:
 1. Class Mammalia
 - i Order Artiodactyla (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats)
 - ii Order Carnivora
 - (a) Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats)
 - (b) Family Canidae (wolves, coyotes, foxes, jackals, not domestic dogs)
 - (c) Family Ursidae (all bears)

- (d) Family Mustelidae (weasels, skunks, martins, minks, not ferrets)
- (e) Family Procyonidae (raccoons, coatis)
- (f) Family Hyaenidae (hyenas)
- (g) Family Viverridae (civets, genets, mongooses)
- iii Order Edentalia (anteaters, armadillos, sloths)
- iv Order Marsupialia (opossums, kangaroos, wallabies, not sugar gliders)
- v Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)
- vi Order Primates (lemurs, monkeys, chimpanzees, gorillas)
- vii Order Proboscidae (elephants)
- viii Order Rodentia (squirrels, beavers, porcupines, not guinea pigs, or rats, or mice, or gerbils, or hamsters)

2. Class Reptilia

- i Order Squamata
 - (a) Family Varanidae (only water monitors and crocodile monitors)
 - (b) Family Iguanidae (only green iguanas and rock iguanas)
 - (c) Family Boidae (all species whose adult length has the potential to exceed eight (8) feet in length)
 - (d) Family Colubridae (only boomslangs and African twig snakes)
 - (e) Family Elapidae (such as coral snakes, cobras, mambas, etc.) - all species
 - (f) Family Nactricidae (only keelback snakes)
 - (g) Family Viperidae (such as copperheads, cottonmouths, rattlesnakes, etc.) - all species
- ii Order Crocodylia (such as crocodiles, alligators, caimans, gavials, etc.) - all species

- c. "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity, and any officer, member, shareholder, director, employee, agent or representative thereof.
- d. "Possessor" means any person who owns, possesses, keeps, harbors, brings into the state, has in one's possession, acts as a custodian, or has custody or control of a exotic animal.
- e. "Wildlife sanctuary" means a non-profit organization described in Section 170(b)(1)(A)(vi), Internal Revenue Code 1986, and its subsequent amendments, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced exotic animals are provided care for their lifetime or released back to their natural habitat and, with respect to any animal owned by the organization, does not:
 - 1. Conduct any activity that is not inherent to the animal's nature;
 - 2. Use the animal for any type of entertainment;
 - 3. Sell, trade or barter the animal or the animal's body parts; or
 - 4. Breed the animal for any purpose.

Section 3. Keeping of Exotic Animals Prohibited

- a. It shall be unlawful for any person to own, possess, keep, harbor, bring into the city, have in one's possession, act as a custodian, or have custody or control of an exotic animal, except in compliance with this ordinance.
- b. It shall be unlawful for a person to breed an exotic animal.

Section 4. Exemptions

The provisions of this ordinance shall not apply to:

- a. Institutions accredited by the American Zoo and Aquarium Association (AZA) or under mentorship through the AZA.
- b. Duly incorporated non-profit animal protection organizations housing an exotic animal at the written request of the animal control authority.
- c. Animal control or law enforcement agencies or officers acting under the authority of this ordinance.
- d. Licensed veterinary hospitals or clinics.

- e. Any wildlife sanctuary as defined under this ordinance.
- f. Any licensed or accredited research or medical institution.
- g. Any licensed or accredited educational institution.
- h. Any lawfully operated circus or rodeo.
- i. A person temporarily transporting an exotic animal through the city if the transit time is not more than 96 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

Section 5. Personal Possession Permit Required for Possessor

- a. A person may not own, possess, keep, harbor, bring into the state, have in one's possession, act as a custodian, or have custody or control of an exotic animal unless that person holds a personal possession permit for that animal issued by an animal control authority. A person may obtain a personal possession permit for an exotic animal only if the following are met:
 - 1. The person was in legal possession of the exotic animal prior to the effective date of this ordinance and is the legal possessor of the exotic animal.
 - 2. The person applies for and is granted a personal possession permit for each exotic animal in the person's possession within the time permitted in Section 17 of this ordinance.
- b. Persons who meet the requirements set forth in subsection A of this section shall annually obtain a personal possession permit. From and after the effective date of this ordinance, no new exotic animal shall be brought into possession under authority of a personal possession permit.
- c. An applicant shall file an application to receive a personal possession permit with the animal control authority on forms provided by the animal control authority. The application shall include the following:
 - 1. A written statement which sets forth the following information:
 - i. The name, address, telephone number, and date of birth of the applicant.
 - ii. A description of each exotic animal applicant possesses, including the scientific name, name, sex, age, color, weight, and any distinguishing marks or coloration that would aid in the identification of the animal.
 - iii. A photograph of the exotic animal.

- iv The exact location where the exotic animal is to be kept.
 - v The names, addresses, and telephone number of the person from whom the applicant obtained the exotic animal, if known.
 - vi The microchip number of the exotic animal, excluding exotic animals exempted under Section 6.
 - vii The name, address, and phone number of the veterinarian providing veterinary care to the exotic animal and a certificate of good health from the possessor's veterinarian.
2. A notarized written certification by the applicant that:
- i The applicant is eighteen (18) years of age or older.
 - ii The applicant has not been convicted of or found responsible for violating a local or state law prohibiting cruelty, neglect, or mistreatment of an animal or has not within the past ten (10) years been convicted of a felony or been convicted for possession, sale, or use of illegal narcotics.
 - iii All of the requirements set forth in this ordinance are and will continue to be met.
 - iv The facility and the conditions in which the exotic animal will be kept are in compliance with this ordinance.
 - v The applicant has regularly provided veterinary care to the exotic animal when needed and will provide such care in the future.
 - vi Proof that a licensed veterinarian, pursuant to Section 7, has spayed or neutered the exotic animal.
3. An applicant must submit his/her plan for the quick and safe recapture of the exotic animal if the exotic animal escapes at the time of filing of the application.
4. An applicant must submit a copy of the policy for liability insurance at the time of filing of the application.
5. Any additional information the animal control authority may deem necessary to carry out the provisions of this ordinance.
6. The animal control authority may establish and charge reasonable fees for application, issuance, and renewal of a personal possession permit in order to recover the costs associated with the administration and enforcement of

this ordinance. The fee charged to an applicant may not exceed \$50 for each animal and may not exceed \$200 for each person obtaining a permit, regardless of the number of animals owned by the person. The fees collected under this section may be used only to administer and enforce this ordinance.

- d. A permit shall not be granted unless the animal control authority finds that all of the requirements in Section 5C have been met.
- e. The personal possession permit shall set forth all of the following information:
 - 1. The name, address, phone number, and date of birth of the permit holder.
 - 2. The address if different than above, where the exotic animal(s) will be kept.
 - 3. The name, number, sex, species, age of the exotic animal(s), and any distinguishing marks or coloration that would aid in the identification of the animal.
 - 4. The identification number as required under Section 6, if applicable.
 - 5. The name, address, and phone number of the veterinarian who provides veterinary care to the exotic animal(s) named on the permit.
 - 6. Any other relevant information the animal control authority may deem necessary.
- f. If a person can no longer care for his/her exotic animal, that person may only transfer his/her exotic animal to another person currently holding a valid personal possession permit.
- g. The animal control authority shall keep records of who is carrying a valid permit. A permit holder shall notify the animal control authority of any changes of the stated information on the permit, which shall include the death of the exotic animal.

Section 6. Identification Number

Every exotic animal must be implanted with a microchip, at the expense of the possessor, by or under the supervision of a veterinarian. This provision does not apply to an exotic animal if a veterinarian determines that the implant of a microchip would endanger the well-being of the exotic animal.

Section 7. Spaying or Neutering

Every exotic animal must be spayed or neutered, at the expense of the possessor, by or under the supervision of a veterinarian. This provision does not apply to an exotic animal if a veterinarian determines that the spay or neuter procedure would endanger the

well-being of the exotic animal.

Section 8. Caging Requirements and Standards for Exotic animals

For each exotic animal, the possessor shall comply with AZA's Minimum Husbandry Guidelines for animal care and maintenance of that animal.

Section 9. Care and Treatment of Exotic Animals Held Under A Personal Possession Permit

- a. An exotic animal shall not be tethered, leashed, chained outdoors, or allowed to run at large.
- b. An exotic animal shall not be mistreated, neglected, abandoned, deprived of necessary food, water, and sustenance.
- c. A person transporting an exotic animal in a vehicle shall keep the animal securely caged in the vehicle at all times.
- d. Each person shall have a plan for the quick and safe recapture of the exotic animal if the exotic animal escapes, if recapture is impossible, then a plan for the destruction of the exotic animal held under a personal possession permit.
- e. The possessor shall contact the animal control authority, a wildlife sanctuary as defined under this ordinance, or an AZA accredited facility if the possessor can no longer care for the exotic animal prior to euthanasia of the exotic animal.

Section 10. Insurance; Signs; and Notification

- a. A possessor of an exotic animal shall maintain liability insurance coverage in an amount of not less than two hundred and fifty thousand dollars (\$250,000.00) for each occurrence for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the exotic animal. The possessor of an exotic animal shall provide a copy of the policy for liability insurance to the animal control authority on an annual basis.
- b. The possessor of an exotic animal shall have continuously posted and displayed at each possible entrance onto the premises where an exotic animal is kept a conspicuous sign, clearly legible, and easily readable by the public warning that there is an exotic animal on the premises. In addition, the possessor shall conspicuously display a sign with a warning symbol that informs children of the presence of an exotic animal. The animal control authority shall prescribe the exact content and size of the sign.
- c. If any exotic animal unintentionally escapes the possessor of the exotic animal shall immediately contact a law enforcement officer of the city or county where the possessor resides to report the escape or release. The possessor is liable for all

expenses associated with efforts to recapture the animal.

- d. No person may intentionally release an exotic animal. If an exotic animal is intentionally released the possessor is liable for all expenses associated with efforts to recapture the animal.

Section 11. Public Contact

The permittee shall not bring an exotic animal to any public property, or a commercial or retail establishment unless the permittee is bringing the animal to a licensed veterinarian or a veterinarian clinic.

Section 12. Enforcement of Article

The animal control authority, its staff, its agents, local law enforcement agents, or county sheriffs are authorized and empowered to enforce the provisions of this ordinance.

Section 13. Inspection

The possessor of an exotic animal, at all reasonable times, shall allow the animal control authority, its staff, and its agents to enter the premises where the animal is kept to ensure compliance with this ordinance.

Section 14. Denial of Personal Possession Permit; Appeal

- a. If the animal control authority finds that an applicant for an original or renewal of a personal possession permit does not meet the requirements set forth in Section 5 the animal control authority shall deny the applicant a personal possession permit and give the applicant written notice of the denial and the reasons for the denial.
- b. If the animal control authority finds that a person has not complied with this ordinance the animal control authority may suspend or revoke the personal possession permit and give the possessor written notice of the suspension or revocation and the reasons for the suspension or revocation.
- c. A person who is denied a personal possession permit, denied a renewal of a personal possession permit, or who has had a permit suspended or revoked may appeal the decision to a Superior Court for the precinct in which the animal is located or the municipal court in the municipality in which the animal is located no later than the 15th day after the permit denied, suspended, or revoked. The decision of the court may not be appealed.

Section 15. Confiscation and Disposition of Exotic Animals

- a. The animal control authority may immediately confiscate any exotic animal if the animal is kept in contravention of this ordinance. The possessor is liable for the costs of placement and care for the exotic animal from the time of confiscation until

the time of return to the possessor or until the time the animal has been relocated to an approved facility, such as a wildlife sanctuary as defined under this ordinance or an institution accredited by the AZA.

- b. If an exotic animal is confiscated due to the animal being kept in contravention of this ordinance, the possessor must post a security bond or cash with the animal control authority in an amount sufficient to guarantee payment of all reasonable expenses expected to be incurred in caring and providing for the animal, including but not limited to the estimated cost of feeding, medical care, and housing for at least thirty (30) days. The security bond or cash shall not prevent the animal control authority from disposing of the animal at the end of the thirty (30) days unless the person claiming the animal posts an additional security bond or cash with the animal control authority to secure payment of all reasonable expenses expected to be incurred in caring and providing for the animal for an additional thirty (30) days, and does so prior to the expiration of the first thirty (30) day period. The amount of the security bond or cash shall be determined by the animal control authority and based on the current rate to feed, provide medical care, and house the animal.
- c. If a confiscated animal possessor cannot be located or if a confiscated animal remains unclaimed, in the discretion of the animal control authority, the animal control authority may contact an approved facility, such as a wildlife sanctuary as defined under this ordinance or an institution accredited by the American Zoo and Aquarium Association (AZA), allow the animal to be adopted by a person who currently possesses a personal possession permit, or may euthanize the animal.
- d. If the exotic animal cannot be taken up or recaptured safely by the animal control authority or if proper and safe housing cannot be found the animal control authority may immediately euthanize the animal.
- e. An exotic animal may be returned to the possessor only if, to the satisfaction of the animal control authority, the possessor has a personal possession permit, has corrected the conditions resulting in the confiscation, and has paid the cost of placement and care of the animal while under the care and control of the animal control authority.

Section 16. Penalties

- a. Any person violating any provision of this Ordinance shall be deemed:
 - 1. Guilty of a misdemeanor. Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution.
 - 2. Responsible for a civil infraction. Penalties may be imposed in fines up to one hundred (\$100.00) dollars plus the costs of prosecution.
- b. The decision to charge the alleged violator with a misdemeanor and/or civil

infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township.

- c. In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

Section 17. Effective Date

- a. Except as provided by this section, this ordinance takes effect on the date the ordinance is signed into law.
- b. Not later than 6 months from the effective date of this ordinance, the animal control authority shall implement and administer the prohibitions of the keeping of exotic animals under this ordinance. This includes, but is not limited to, the creation of the personal possession permit program established by Section 5 of this ordinance, orders relating to the applications for personal possession permit and renewals, fees for the permit, and the form and content of the application.
- c. A person is not required to obtain a personal possession permit under Section 5 before 1 year following the effective date of this ordinance, but must obtain a personal possession permit by not later than 18 months after the effective date of this ordinance..

Section 18. Severability

If any part of this ordinance is found to be unconstitutional or unenforceable it shall not affect the constitutionality or enforceability of any other part.

Cost Recovery Ordinance

An ordinance to provide procedures for recovering costs incurred by the Township for responses to deliberately caused fires, negligently caused fires, false alarms, response to vehicle accidents and other public safety incidents.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Purpose.

In order to protect the Township from extraordinary expenses resulting from the utilization of Township resources in response to certain public safety or fire emergency incidents, this article authorizes the imposition of charges to recover actual costs incurred by the Township in responding to such incidents.

Section 2. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

- a. *Assessable Costs* mean those costs for services incurred by the Township in connection with a response to a public safety or fire emergency incident, including, but not limited to, the actual labor and material costs of the Township (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the Township or by a third party on behalf of the Township; service charges and interest; attorneys' fees, litigation costs and any costs, charges, fines or penalties to the Township imposed by any court or state or federal governmental entities.
- b. *Bomb Threats* mean the verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state or local law. *Emergency assistance* means emergency medical, public safety, police, fire and civil defense services.
- c. *Excessive Requests for Emergency Assistance* mean any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than five (5) times in the preceding thirty (30) days.
- d. *False Alarm* means any automated or manual device designed to request or

summon emergency assistance which device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the most senior person responding to a false alarm. Provided, however, a false alarm shall not be deemed to have occurred if (i) caused by an act of God, i.e., a lightning storm, (ii) it originates from a motor vehicle alarm system or (iii) has not occurred more frequently than three (3) times in a calendar month or four (4) times in a calendar year.

- e. *Hazardous Materials* mean those elements, substances, wastes or by-products, including, but not limited to, combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the fire chief or the senior fire official of the Township in charge at the scene.
- f. *Hazardous Material Incident or Emergency* means any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is reasonably imminent and where the fire chief or his or her designee has so declared such activity, accident or emergency a hazardous material incident or emergency.
- g. *Illegal Fire* means a fire set or determined to have been set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a "no burning" ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God, i.e., a lightning storm.
- h. *Motor Vehicle* means any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon such public streets, roads and highways and for the purposes hereof all trailers or appurtenances attached to any motor vehicle.
- i. *Motor Vehicle Accident* means an accident where equipment and tools are used for the extrication of a person or persons, or forced entry into a vehicle are required.
- j. *Negligently Caused Fire* means a fire, proximately caused by the negligence of an owner or occupier of property and / or structures, or any other person, which represents a direct and immediate threat to the public safety and requires immediate action to mitigate the threat.
- k. *Public Safety or Fire Emergency Incident* means:
 - 1. Excessive requests for emergency assistance;
 - 2. A false alarm;
 - 3. A hazardous material incident or emergency;

4. An illegal fire;
 5. Bomb threats;
 6. Threats of harm to oneself or others;
 7. A motor vehicle accident;
 8. A structure demolition;
 9. A utility line failure; or
 10. Damage to any Township water or sewer line.
- l. *Release* means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment, including, but not limited, the air, soil, groundwater and surface water.
- m. *Responsible Party* means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for a public safety or fire emergency incident or any owner, tenant, occupant or party in control of real and personal property from which, onto which or related to which there is a public safety or fire emergency incident and their heirs, estates, successors and assigns.
- n. *Structure Demolition* means the tearing down of a structure damaged by fire which must in the opinion of the fire chief or his or her designee be promptly demolished following the fire to protect public safety.
- o. *Threats of Harm to Oneself or Others* mean the verbal or written threat of physical harm to oneself or another or another's property which if carried out would be a violation of federal, state or local law.
- p. *Utility Line Failure* means the disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electricity, ship, natural gas, communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one (1) hour to a request to repair or correct such failure.

Section 3. Cost recovery authorization and procedure.

- a. The Township may recover all assessable costs in connection with a public safety or fire emergency incident from any or all responsible parties jointly or severally.
- b. The Township Supervisor or his or her designee shall determine the total assessable costs and shall in consultation with other Township personnel involved in responding to a public safety or fire emergency incident determine whether to assess any, all or part of such costs against any of the responsible parties. In making such determination, the following shall be considered:
 1. The total assessable costs;

2. The risk the public safety or fire emergency incident imposed on the Township, its residents and their property;
 3. Whether there was any injury or damage to person or property;
 4. Whether the public safety or fire emergency incident required evacuation;
 5. The extent the public safety or fire emergency incident required an unusual or extraordinary use of Township personnel and equipment, and
 6. Whether there was any damage to the environment.
- c. No resident of the Township at the time of a response as described in section 2.a shall be responsible/ liable for the expense of the emergency response over and above the amount of any insurance available to said resident to pay for the emergency response except for deliberately or negligently caused fires. A resident of the Township who has such insurance shall either process a claim and assign benefits to the Township or shall provide the Township such information as may be necessary to permit the Township to file a claim.
- d. After consideration of the factors in (b) immediately above, the Township Supervisor may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party has other legal liability therefor or is legally at fault.
- e. If the Township Supervisor determines not to assess all or a part of assessable costs against a responsible party, such determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

Section 4. Billing and collection of assessable costs.

- a. After determining to assess assessable costs against a responsible party, the Township Treasurer shall mail an itemized invoice to the responsible party at its last known address. Such invoice shall be due and payable within thirty (30) days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to one percent (1%) per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid.
- b. To the extent that the responsible party has insurance which would cover all or any part of the cost assessed, the Township is empowered to bill the appropriate insurance carrier of any responsible party,
- c. If a responsible party shall appeal assessable costs pursuant to Section 3 hereof, such costs, if upheld, in whole or in part, shall be due and payable thirty (30) days from the date of determination of the appeal and any late payment fees shall apply thereafter.

Section 5. Procedure for appealing assessable costs.

- a. Any responsible party who receives an invoice for assessable costs shall have an opportunity to meet with the Township Supervisor or his or her designee to request a modification of assessable costs. The responsible party shall request in writing such meeting within seven (7) calendar days of the date of the invoice assessing the assessable costs.
- b. If after meeting with the Township Supervisor or his or her designee the responsible party is still not satisfied, he or she may request an opportunity to appear before the Township Board to further request a modification of assessable costs. A responsible party who desires to appear before the Township Board must first meet with the Township Supervisor or his or her designee as provided above and shall file a written request to appear before the Township Board with the Township Clerk within seven (7) calendar days of the date of the meeting with the Township Supervisor.
- c. Upon receipt of such request, the Township Clerk will place the responsible party on the agenda of the next regularly scheduled Township Board meeting, which meeting is at least fourteen (14) calendar days after the date on which the responsible party files the request to appear.
- d. Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessed costs should be modified. Any reason, basis or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party.
- e. Failure to timely file a written request to appear shall constitute a waiver of the responsible party's right to appear before the Township Board; and shall further constitute the responsible party's agreement to pay the assessable costs invoiced.
- f. After a responsible party has been given an opportunity to appear before it, the Township Board shall promptly determine whether to confirm, modify or void the payment of assessable costs invoiced.

Section 6. Assessable costs a lien upon property.

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon the real property of the responsible party in the Township, from which, upon which or related to which the public safety or fire emergency incident occurred. Such lien shall be of the same character and effect as the lien created by Township charter for Township real property taxes and shall include accrued interest and penalties. The Township treasurer shall prior to March 1 of each year, certify to the Township assessor the fact that such assessable costs are delinquent and unpaid. The Township assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.

Section 7. Other remedies.

In addition to the remedy set forth in Section 6 above, the Township shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.

Section 8. No limitation of liability.

The recovery of assessable costs pursuant hereto does not limited the liability of a responsible party under applicable local, state or federal law.

Section 9. Severability.

Should any provision or part of this article be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision or part which shall remain in full force and effect.

Section 10. Effective Date.

This Ordinance shall become effective thirty (30) days after its adoption.

ORDINANCE NO. 34

Cemetery Ordinance

An ordinance to protect the public health, safety and general welfare by establishing regulations to the operation, control, and management of cemeteries owned by the Charter Township of Madison, Lenawee County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

Section 1. Title.

This ordinance shall be known and cited as the Madison Charter Township Cemetery Ordinance.

Section 2. Definitions of Cemetery Lots and Burial Spaces.

- a. A cemetery lot shall consist of 4 or more spaces.
- b. A burial space shall consist of a land area four (4) feet wide and twelve (12) feet in length.

Section 3. Sale of Lots or Burial Spaces.

- a. All such sales shall be made on an approved form which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the township clerk.
- b. Burial rights may be transferred only by endorsement of an assignment of such burial permit form issued and approved by the township clerk, and entered upon the official records of the clerk. Upon such assignment, approval and record, the clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. Proof of such transfers should be recorded in the clerk's office.

Section 4. Purchase Price and Transfer Fees.

- a. Each burial space shall be determined by a fee structure established by Township Board.
- b. The charges shall be paid to the township treasurer.

- c. The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5. Grave Opening Charges.

- a. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township.
- b. No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department, as a result of a court order.

Section 6. Markers or Memorials.

- a. All markers or memorials must be of stone or other equally durable composition.
- b. All markers or monuments must be located upon a suitable foundation to maintain the same in an erect position.
- c. The footing or foundation upon which any monument, marker or memorial is to be placed shall be approved by the township sexton. All foundations shall be 2" larger per side of the base of the marker.

Section 7. Interment Regulations.

- a. Only one person may be buried in a burial space except for a mother or father and infant, two children buried at the same time, or two cremains.
- b. A minimum of 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- c. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when necessary, shall be presented to either the cemetery sexton or the township clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall determine if the person has the legal right to be buried in the burial space before any interment is commenced.

Section 8. Ground Maintenance.

- a. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the township clerk.
- b. No shrubs, trees, or evergreens of any type shall be planted without the approval

of the cemetery sexton and the township clerk. Any of the foregoing items planted without such approval may be removed by the township of the cemetery sexton.

- c. The township board reserves the right to authorize the removal or trimming of any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- d. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- e. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that are determined to be unsightly, a source of litter, or a maintenance problem.
- f. Landscape materials (i.e. bark mulch, stone) other than earth or sod are prohibited unless approved by the sexton and the township clerk.
- g. All refuse of any kind including dried flowers, wreaths, papers, and flower containers must be removed or deposited in trash receptacles located within the cemetery.

Section 9. Repurchase of Lots or Burial Spaces.

Upon approval of the township board, the township may repurchase any cemetery lot or burial space from the owner for the original price paid the township upon written request of said owner or his legal heirs or representatives.

Section 10. Records.

The township clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

Section 11. Vault.

All burials shall be within a standard steel or concrete vault installed or constructed in each burial space before interment.

Section 12. Cemetery Hours.

- a. The cemetery shall be open to the general public during the daylight hours.
- b. No person shall be permitted in the township cemeteries at any time other than daylight hours, except upon permission of the township board or the sexton of the cemetery.

Section 13. Penalties.

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and/or . Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of such ordinance which shall continue in full force and effect.

Section 14. Severability.

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 15. Effective Date.

This ordinance shall take effect on publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Protection of Government Process Ordinance

An ordinance to prohibit certain conduct which interferes with governmental functions and to establish the penalties for their commission.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Prohibited Conduct.

It shall be unlawful for any person to commit any of the following acts which are which are deemed crimes punishable as hereinafter provided.

Section 2. Hindrance of Governmental Functions.

It shall be unlawful for any person to intentionally obstruct, impair or hinder the performance of a governmental function or the use of government property by using or threatening to use violence, force, physical interference or obstacle. For purposes of this section "government" includes any principal subdivision or agency of the United States, this state, township, or any agency of local governmental operations within the township; "governmental function" includes any activity which a public agency or public servant is legally authorized to undertake.

Section 3. Interference with Police Authority, Other Township Officers or Employees.

It shall be unlawful for any person to interfere with any police officer, any member of the police department, or any person duly empowered with the police authority or any other township officer or employee while in the lawful discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty.

Section 4. False Personation with Intent to Obstruct Due Execution of Law.

It shall be unlawful for any person to disguise himself, by any verbal statement, photo identification, printed identification or any other means so as to lead a police officer to believe that he is anyone other than himself, with intent to obstruct the due execution of the law, or with intent to hinder or interrupt any police officer in the legal performance of his duty, whether such intent be effected or not.

Section 5. Impersonating a Police Officer, Other Township Officer or Employee

- a. It shall be unlawful for any person other than an official police officer of the township to wear or carry the uniform apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the township.
- b. It shall be unlawful for any person to act or pretend to be an official police officer of the township or any other township officer or employee.

Section 6. False Alarms

It shall be unlawful for any person to knowingly summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the police or the fire department or any public or private ambulance to go to any address where the service called for is not needed.

Section 7. False Report of Crime

It shall be unlawful for any person to knowingly make or file with the police department any false, misleading or unfounded statement or report concerning the commission of any crime or violation of this Code occurring within the township.

Section 8. Violation; Penalties

- a. Any person who commits an offense prohibited by this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed \$500.00 or imprisonment in the county jail for a period not to exceed 93 days, or both such fines and imprisonment, plus the actual cost of prosecution.
- b. Any person who causes, secures, aids or abets another person to commit an offense prohibited by the ordinance may be prosecuted; and any conviction thereof shall be punished as if the person aiding and abetting had directly committed such violation.
- c. Any person who shall attempt to commit an offense prohibited by this ordinance and, in such attempt, shall do any act towards the commission of such offense, but shall fail in the perpetration or shall be intercepted or prevented in the execution of the same, shall be guilty of a misdemeanor, and subject to a penalty not to exceed \$250.00 or imprisonment in the county jail for a period not to exceed 45 days, or both such fines and imprisonment, plus the actual cost of prosecution.

Section 9. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause,

sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 10. Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Publication and Effective Date

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating within the Charter Township of Madison, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

ORDINANCE NO. 36

Truancy by Minors Ordinance

An ordinance to control the truancy of minors.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Purpose.

This section shall be liberally construed to encourage and compel the exercise of parental control in a continuous and consistent manner to reduce unauthorized absences of school children, and prevent the neglect of parental responsibility in the enforcement of the state law requiring school attendance, MCL 380.1561.

Section 2. Failure in school enrollment and attendance.

- a. *Parental Responsibility.* Every parent, guardian, or other person having control and charge of a child from the age of 6 to the child's sixteenth birthday shall send that child to school during the entire school year. The child's attendance shall be continuous and consecutive for the school year.
- b. *Enrollment.* A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs. A child becoming 6 years of age on or after December 1 shall be enrolled on the first day of the school year following the school year in which the child's sixth birthday occurs.
- c. *Exceptions.* A child is not required to attend a public school in any of the following cases:
 1. The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district in which the nonpublic school is located.
 2. The child is less than 9 years of age and does not reside within 2 ½ miles by the nearest traveled road of a public school, unless transportation is furnished for pupils in the school district of the child's residence.

3. The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.
 4. The child is regularly enrolled in a public school while attending religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.
 5. The child has graduated from high school or has fulfilled all requirements for high school graduation.
 6. The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.
- d. *Parental control.* An enrolled child between the ages of six and 16, not otherwise exempted under this section, shall not be absent from school without the knowledge and consent of his or her parent or guardian. A parent or guardian shall maintain sufficient supervisory control over a child in his or her custody so as to be informed of unexcused absences from school by his or her child.
 - e. *Mandatory parental conference.* When the superintendent, or the designated attendance officer, learns that a child between the ages of six and 16 is not enrolled and not attending school, or is enrolled but, without good cause or excuse, is consistently absent from school or habitually tardy, the superintendent, or designated attendance officer, by official written notice pursuant to this section, shall invite the truant child's parents, guardians, or person serving in loco parentis to attend a conference to correct the unauthorized absence, truancy or willful nonattendance. Such invitation may be sent by regular mail, with confirmation by telephone. The superintendent, designated attendance officer, or other designated administrator, shall attend the conference and attempt to determine and eliminate the cause of any consistent absence.
 - f. *Notice of conference.* If the written invitation of the superintendent or designated attendance officer does not result in a conference with the parent, guardian or person having custody of the child, a notice of conference shall be sent by certified mail (return receipt requested), designating the time and place of the required parental conference.
 - g. *Refusal to attend conference.* A parent, guardian, or person serving in loco parentis as to any delinquent, absent, or nonattending school-age child shall not deliberately ignore, without just cause, such request for parental conference.

- h. *Neglect or refusal to send child to school.* If a parental conference does not result in satisfactory attendance, or if there is a parental refusal to attend a conference, a hearing may be scheduled, upon the verified complaint of a superintendent, or designated attendance officer, before the district court for inquiry into the causes and circumstances of the persistent absences or nonattendance of a child, and of the failure of such parent, guardian, or person acting in loco parentis to eliminate unauthorized absences of such child. The verified complaint shall state the reasons for the complaint and shall contain the following acknowledgment by the superintendent or designated attendance officer: "the information in this complaint is accurate to the best of my information and belief."

Section 3. Violations and Penalties.

Any found by the District Court to be in violation of this ordinance by neglecting or deliberately refusing to send a child to school, for knowingly encouraging or permitting a child's repeated absences or habitual tardiness, shall be deemed:

- a. *Guilty of a misdemeanor.* Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution.
1. *Responsible for a civil infraction.* Penalties may be imposed in fines as follows:
 - (1) first violation \$100.
 - (2) second violation within a 4-year period \$125.
 - (3) third violation within a 4-year period \$250.
 - (4) fourth or subsequent violation within a 4 year period \$400.plus the costs of prosecution.
 2. The decision to charge the alleged violator with a misdemeanor and/or civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township.

Section 4. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 6. Publication and Effective Date.

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating within the Charter Township of Madison, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

ORDINANCE NO. 37

WATER AND SEWER DEPOSIT ORDINANCE

An ordinance to establish a deposit for connection to the Charter Township of Madison Water and Sewer Systems.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Charter Township of Madison Water and Sewer Deposit Ordinance.

Section 2. Deposit Required

Prior to connecting any structure, building or residence to the Charter Township of Madison water system and/or sewer system, the Township or its authorized agent shall require an initial deposit, in an amount to be determined by resolution of the Township Board, from any owner or tenant who applies for water and/or sewer service, as security for the payment of the rates and charges for such service(s), and to apply the same against such rates and charges if and when a delinquency arises. Such deposit or portion thereof not applied to pay delinquent water and/or sewer charges shall be refunded to the depositor upon the termination of service, provided no delinquency then exists.

Section 3. Severability

If any court of law or equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 4. Effective Date

This Ordinance shall become effective thirty (30) days after its adoption.

Planning Commission Ordinance

An ordinance to confirm establishment of the Madison Charter Township Planning Commission under the Michigan Planning Enabling Act as successor to the Commission established by resolution under the former Township Planning Act; to define the Planning Commission's authority, powers, and duties; to provide for appointment of Planning Commission members and officers; and to establish the minimum number of Planning Commission meetings per year.

MADISON CHARTER TOWNSHIP, LENAWEE COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Purpose and Establishment

As authorized by the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended; MCL 125.3801, et. seq.), and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended; MCL 125.3101, et. seq.), the purpose of this Ordinance is to establish a Planning Commission for the Township with the authority, powers, and duties provided by those Acts and subject to the terms and conditions of this Ordinance.

The Planning Commission established by this Ordinance is hereby confirmed to be the successor to the Commission established by Township Board resolution under the former Township Planning Act (Public Act 168 of 1959, as amended; MCL 125.321, et. seq.).

Section 2. Membership

- 2.1 The Planning Commission shall consist of seven (7) members serving for terms of three (3) years and eligible for re-appointment. Members serving on the Planning Commission as of the effective date of this Ordinance shall continue to serve for the remainder of their existing terms so long as they continue to meet eligibility requirements.
- 2.2 One member of the Township Board shall be appointed to the Planning Commission as an ex officio member and Township Board Representative, with full voting rights. An ex officio member's term shall expire with his or her term on the Township Board. No other elected Officer or employee of the Township is eligible to be a member of the Planning Commission. In the event another member is elected to the Township Board, increasing the number of Board members serving on the Commission to more than one (1), then such member's

seat on the Planning Commission shall be deemed vacant.

- 2.3 The Township Supervisor shall appoint all Planning Commission members, including the ex officio member, subject to Township Board approval. A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.
- 2.4 Planning Commission members shall be qualified electors of the Township, except that one (1) member may be an individual with established business or property interests in the Township who is a resident and qualified elector of another local unit of government in Michigan.
- 2.5 Planning Commission membership shall be representative of major interests existing in the Township, including but not limited to agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the geography and population of the Township to the extent practicable. This provision shall be applied as new members are appointed to fill Commission vacancies, and shall not be construed to restrict the re-appointment of any member serving as of the effective date of this Ordinance.

Section 3. Removal

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a hearing. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be posted at the Township Hall and mailed to the member subject to the hearing and to all other Planning Commissioners.

Section 4. Compensation

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may request from the Township Board compensation for member travel, registration, and pre-authorized expenses when performing official activities authorized by the Township Board, including but not limited to attendance at conferences, workshops, and training programs.

Section 5. Officers and Committees

The Planning Commission shall elect a Chair, Vice Chair, and Secretary from its membership, and may create and fill other offices as it considers advisable. The ex officio member of the Planning Commission shall not be eligible to serve as Chair. The term of each office shall be one (1) year, with opportunity for re-election as defined in the Planning Commission Bylaws.

There shall be no standing committees of the Planning Commission. The Planning

Commission Chair may appoint special or ad-hoc advisory committees, as the Planning Commission shall deem necessary to carry on the work of the Commission. Advisory committee members may or may not be members of the Planning Commission. The Chair shall be an ex-officio member of all committees of the Commission.

Section 6. Bylaws, Meetings, and Records

- 6.1 The Planning Commission shall adopt Bylaws for the transaction of business. The Planning Commission shall hold a minimum of four (4) regular meetings per year, and shall determine the time, place, and schedule of regular meetings by resolution.
- 6.2 Unless otherwise provided in the Planning Commission Bylaws, a special meeting may be called by the Chair or by two (2) other members upon written request to the Secretary.
- 6.3 All Planning Commission business shall be conducted at a public meeting held in compliance with the Open Meetings Act (Public Act 267 of 1976, as amended; MCL 15.261, et. seq.).
- 6.4 The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. At least one (1) copy of all documents and materials in any format that are prepared, owned, used, in the possession of or retained by the Planning Commission in the performance of its official functions shall be placed on file at the Township offices per State of Michigan retention guidelines and made available to the public in compliance with the Freedom of Information Act (Public Act 442 of 1976, as amended; MCL 15.231, et. seq.).

Section 7. Conflicts of Interest

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member shall be disqualified from voting on the matter upon a concurring majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this Ordinance constitutes malfeasance in office.

For the purposes of this Section, the Planning Commission shall define "conflict of interest" in the Planning Commission Bylaws. The Township Board may also adopt additional conflict of interest policies for the Township by resolution.

Section 8. Master Plan

The Planning Commission shall be responsible for making and maintaining a Master Plan to promote public health, safety and general welfare; encourage the use of resources in accordance with their character and adaptability; preserve the rural and agricultural character of the Township; provide for planned and orderly land use and

development; avoid the overcrowding of land by buildings or people; lessen congestion on public roads and streets; ensure that land uses will be situated in appropriate locations and relationships; and meet the needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land within the Township's planning jurisdiction.

This Master Plan is intended to be the plan as provided for in the Michigan Planning Enabling Act, and incorporated within this Plan is the zoning plan referred to in the Michigan Zoning Enabling Act as the basis for the Township's Zoning Ordinance.

Section 9. Zoning Commission Authority

The Township Board hereby confirms the transfer of all authority, powers, and duties provided for "zoning commissions" under the Michigan Zoning Enabling Act to the Madison Charter Township Planning Commission. The Planning Commission shall be responsible for formulation of the Zoning Ordinance and amendments thereto, and reporting its findings and recommendations concerning the Zoning Ordinance or proposed amendments to Township Board. The Planning Commission shall also be responsible for holding hearings, reviewing, and making determinations regarding applications for approval as required by the Zoning Ordinance.

Section 10. Capital Improvements Program

- 10.1 In accordance with Section 65 of the Michigan Planning Enabling Act, the Township Board hereby exempts the Planning Commission from responsibility for preparation, approval, and updating of the Township's capital improvements program of public structures and improvements, and delegates this responsibility to the Township Supervisor, subject to final approval by the Township Board.
- 10.2 Each Township department with authority for public structures or improvements shall furnish, annually or upon request by the Township Supervisor, updated lists, plans, and estimates of time and cost for recommended public structures and improvements to the Supervisor.
- 10.3 The Planning Commission may make recommendations to the Board about programs and financing for public structures and improvements, and may advise the Board on the consistency of the Township's capital improvements program with the adopted Master Plan's goals, objectives, and policies.

Section 11. Land Division Responsibilities

The Planning Commission may recommend to the Township Board amendments or revisions to the Township's Subdivision Ordinance and rules governing the subdivision of land. Before recommending such an Ordinance or rule, the Planning Commission shall hold a public hearing, giving notice of the date, time, and place of the hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Township and posting at the Township Hall.

The Planning Commission shall review and make recommendations on any proposed plat before action thereon by the Township Board in accordance with the Township's Subdivision Ordinance and the state Land Division Act (Public Act 288 of 1967, as amended; MCL 560.101, et. seq.).

Section 12. Annual Report

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of its activities, including recommendations regarding actions by the Township Board related to the Planning Commission's scope of authority, powers, and duties under this Ordinance, the Michigan Planning Enabling Act, and the Michigan Zoning Enabling Act.

Section 13. Repeal of Conflicting Provisions

All other Township ordinances, Township Board resolutions, and parts thereof that conflict with provisions of this Ordinance are hereby repealed and shall be of no further force or effect.

Section 14. Severability

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

Section 15. Publication and Effective Date.

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in the Adrian Daily Telegram, a newspaper circulating within the Charter Township of Madison. This ordinance shall take effect 63 days after the ordinance is published.

Dismantled and Inoperable Vehicles Ordinance

An ordinance to regulate the storage of dismantled, partially dismantled or inoperable motor vehicles or parts thereof, to authorize the Township abate the nuisance and providing penalties for violations.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title.

This ordinance shall be known as the Madison Charter Township Dismantled and Inoperable Vehicles Ordinance.

Section 2. Determination by Township.

It is hereby determined that the storage of dismantled, partially dismantled and inoperable motor vehicles or parts thereof upon any private property within the Township tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease and is contrary to the public peace, health, safety and general welfare of the community.

Section 3. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- 3.1 Dismantled or partially dismantled motor vehicle means any motor vehicle from which some part which is ordinarily a component of such motor vehicle has been removed or is missing.
- 3.2 Inoperable motor vehicle means any motor vehicle which, by reason of dismantling, lack of repair, or other cause, is incapable of being propelled under its own power.
- 3.3 Motor vehicle means any wheeled vehicle which is designed to be self-propelled and is not operable upon rails.

Section 4. Storage restrictions.

- 4.1 It is unlawful for any person to store or place, or permit to be stored or placed, a dismantled, partially dismantled or inoperable motor vehicle or any parts thereof, on any parcel of land in the Township, platted or unplatted, or any street adjacent

thereto, unless either such motor vehicle or parts thereof shall be kept in a wholly enclosed garage or other wholly enclosed structure, provided that, any bona fide owner or occupant of any parcel of land may store one such vehicle on such parcel of land for a period of time not to exceed a total of 48 hours, if such vehicle is registered in the owner or occupant's name.

- 4.2 This section shall not apply to motor vehicles which are upon the premises of any licensed, new or used automobile dealer, gasoline service station, automobile repair garage, or junk yard; provided however, that the preceding shall not be construed to permit a use of land not allowed by applicable zoning ordinances".

Section 5. Public nuisance declared.

The presence of a dismantled, partially dismantled or inoperable motor vehicle, or parts thereof, on any parcel of land in violation of the terms of this section is hereby declared to be a public nuisance.

Section 6. Nuisance abatement.

Whenever the Township or its officials and agents determines that a dismantled, partially dismantled or inoperable motor vehicle or parts thereof have been parked on private property, a written notice of violation shall be issued. The Township ordinance enforcement officers are authorized to enter the subject property to post written notice. Such written notice shall be posted conspicuously on the vehicle, and shall direct the owner to cease storing such vehicle and remove it to proper storage or disposal location. The notice shall further state that failure to comply with the terms of the notice shall result in confiscation of the violating vehicle or parts of such vehicle by the Township's designated towing service. The owner of the vehicle or the real estate upon which it is parked, will have fourteen (14) days from the date of receiving such notice to either remove the vehicle or file an appeal to the Township Board. The Township, by its designated towing service, is hereby authorized to remove any such motor vehicle, or parts or tires of such vehicle, found to be in violation of the conditions of this section, after the fourteen (14) days period has elapsed, provided that an appeal has not been filed. This provision does not prohibit the Township from also issuing a municipal civil infraction citation to either the owner of the vehicle or the real estate on which it is parked, or both.

Section 7. Costs of removal and storage; notice; disposal.

- 7.1 Any dismantled, partially dismantled or inoperable motor vehicle or parts thereof, removed from any premises in the Township pursuant to this section, may be held by the Township's designated towing service until claimed by the owner. The claiming owner shall pay to the Township's designated towing service the costs of removal and storage. Upon removal of the vehicle or parts, the Township shall immediately send written notice to the last known address of the owner of such vehicle or parts or, if the owner's address is unknown, to the owner of the land such vehicle or parts were removed from. This notice shall inform the owner that the owner has fourteen (14) days from the date of mailing of the notice in which to

reclaim the property, and that should the owner fail to do so within the time limit, then the motor vehicle so seized shall be deemed to be abandoned and the Township by its designated towing service shall dispose of the vehicle in accordance with the provisions of the Michigan Vehicle Code relating to the disposal of abandoned vehicles.

- 7.2 In addition to any costs payable to the Township's designated towing service, if the Township incurs any costs in the process of abating any nuisance under this ordinance, the actual cost incurred by the Township in doing so, together with a twenty-five dollar (\$25) administration fee, shall be charged against the owner of the vehicle and/or the owner of the premises where the nuisance existed.
- 7.3 The amount owed to the Township shall be collected in the manner specified in the in Ordinance ~~40~~, the Single Lot Special Assessment Ordinance of the Charter Township of Madison.

Section 8. Violations and Penalties.

- 8.1 Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 29, the Charter Township Municipal Ordinance Violations Bureau Ordinance.
- 8.2 In addition to the foregoing, for any violation of this Ordinance, the Township may bring an action in a court of competent jurisdiction seeking abatement of the nuisance.

Section 9. Repealer


All Ordinances or sections of ordinances previously enacted which are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 10. Effective Date.

This ordinance shall become effective thirty (30) days after the date of publication.

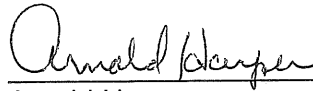
YEAS: (7) Richardson, Daniels, Bovee, Harper, Rodgers, Roback &
NAYS: (0) None Liedel
ABSENT: (0) None

Ordinance declared adopted on July 8, 2014.


Lawrence Richardson
Supervisor for the
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Arnold Harper, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on July 8, 2014 and published in the Daily Telegram, a newspaper circulated in the Charter Township of Madison on July 16, 2014.



Arnold Harper
Township Clerk for the
Charter Township of Madison

Single Lot Special Assessments Ordinance

An Ordinance to authorize and provide process for single lot special assessments.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Expenses Chargeable to Single Lot

- 1.1 When any expense is incurred by the Township regarding any single lot or tax parcel, which expense is chargeable against the lot and the owner and/or occupant of it under the provisions of the Township ordinances or laws of the State of Michigan, an account of the labor, material or services for which the expense was incurred, verified by the Township Supervisor, with a description of the lot or tax parcel and the name of the owner and/or occupant shall be reported to the Township Treasurer who shall bill the owner.
- 1.2 The bill shall be sent by first class mail to the owner and/or of the lot or tax parcel regarding which the expense was incurred by the Township and the amount. Such invoice shall be due and payable within thirty (30) days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to one percent (1%) per month or fraction thereof that the amount due remains unpaid.

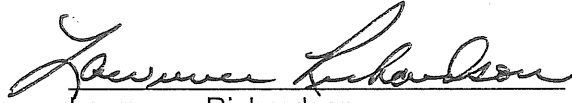
Section 2. Special Assessment Resolution, Charges Against Tax Roll

The Township Treasurer shall from time to time report to the Township Board of Trustees the unpaid charges for services furnished to or expense incurred for any premises which on the last day of the month preceding the date of the report to the Board of Trustees have remained unpaid for a period of not less than 120 days. Upon receipt of the report, the Board of Trustees shall adopt a special assessment resolution covering each lot or tax parcel for which charges have not been paid in full. After the adoption of the resolution, the Township Clerk shall give notice to the lot or tax parcel owners. The notice shall be sent by first class mail to the last known addresses of the persons as shown on the assessment roll, or by publication. The notice shall state the basis of the assessment, the amount, and shall give a reasonable time, not less than 30 days, within which payment shall be made to the Treasurer. The notice shall include notice that failure to pay within the time set will result in a penalty of 10% of the amounts due. In all cases where payment is not made within the time set, the fact shall be reported by the Township Treasurer to the Township assessor, who shall charge the amounts, together with a penalty of 10% of the amounts, against the lots or tax parcels on the next tax roll. Charges so assessed shall be collected in the same manner as general Township taxes.

Section 3. Effective Date

This Ordinance shall become effective thirty (30) days after its adoption.

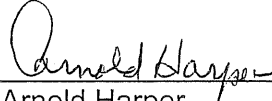
Ordinance declared adopted on July 8, 2014.



Lawrence Richardson
Supervisor for the
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Arnold Harper, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on July 8, 2014 and published in the Daily Telegram, a newspaper circulated in the Charter Township of Madison on July 16, 2014.



Arnold Harper
Township Clerk for the
Charter Township of Madison

CHARTER TOWNSHIP OF MADISON

ORDINANCE NO. 43

Medical Marihuana Facilities Ordinance

An ordinance to authorize and regulate the establishment of medical marihuana facilities in the Charter Township of Madison and to provide for penalties for violations thereof.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Purpose

- 1.1. It is the intent of this ordinance to authorize the establishment of certain types of medical marihuana facilities in the Charter Township of Madison and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large, retain the character of neighborhoods, and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the Township through imposition of an annual, nonrefundable fee of \$5,000.00 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- 1.2. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Mitted Law of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
- 1.3. As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 2. Definitions

For the purposes of this ordinance:

- 2.1. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.

- 2.2. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- 2.3. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- 2.4. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center. A grower can sell seeds or plants to another grower in addition to processors and provisioning centers. One grower may produce clones for others.
- 2.5. "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- 2.6. "Marihuana" or "marijuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- 2.7. "Marihuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- 2.8. "Medical marihuana facilities permit" or "permit". A permit issued by the Township pursuant to the provisions of this ordinance.
- 2.9. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- 2.10. "Processor" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- 2.11. "Provisioning center" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in

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accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this ordinance.

- 2.12. "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- 2.13. "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- 2.14. "Township" means the Charter Township of Madison

Section 3. Requirements and Procedure for Issuing Permit

- 3.1. No person shall operate a marihuana facility in Township without a valid marihuana facility permit issued by the Township pursuant to the provisions of this ordinance.
- 3.2. On and after the approval of all zoning regulations relating to medical marihuana facilities, the Township shall accept applications for authorization to operate a medical marihuana facility within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk and/or other designee of the Township Board (hereinafter referred to as "Clerk"). The application shall contain any information required by the Act and the following information:
 - A. Name, address and telephone number of property owner of the land where the marihuana facility will conduct business
 - B. Name, address and telephone number of the licensee.
 - C. If the property owner and licensee are not the same person, a document signed by the property owner authorizing the licensee to operate on the property owner's land.
 - D. Any other information deemed by the Township to be required for the consideration of a permit.
- 3.3. An initial medical marihuana facility fee of five thousand dollars (\$5,000) shall be payable at the time of application for Township authorization.
- 3.4. Every applicant for a permit to operate a Grow Operation shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

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- 3.5. Once the Clerk receives a complete application, including all required information, and documentation, and the initial annual medical marijuana facility fee, the application shall be time and date stamped by the Clerk and assigned a sequential application number by facility type based on the date and time of acceptance. Complete applications shall be considered for authorization in consecutive time and date stamped order.
- 3.6. Upon consideration, the applicant shall receive conditional authorization to operate such medical marijuana facility within the Township. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Clerk at any time and receive refund of the initial annual medical marijuana fee submitted.
- 3.7. A conditional authorization means only that the applicant has submitted a valid application for a marijuana facility permit. The applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township.
- 3.8. Within thirty days from conditional authorization from the Township the conditionally authorized applicant must submit proof to the Clerk that the applicant has applied for prequalification from the state for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk.
- 3.9. If a conditionally authorized applicant is denied prequalification for a state operating license or is denied or full application for a state operating license, then such conditional authorization will be canceled by the Clerk.
- 3.10. A conditionally authorized applicant shall receive full authorization from the Township to operate the medical marijuana facility within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marijuana facility in the Township and the applicant has met all other requirements of this ordinance for operation including but not limited to any zoning approval for the location of the facility within the Township. Maintaining a valid marijuana facility license issued by the state is a condition for the issuance and maintenance of a marijuana facility permit under this ordinance and continued operation of any marijuana facility.
- 3.11. If a conditionally authorized applicant fails to obtain full authorization from the Township within one year from the date of conditional authorization, then then such conditional authorization shall be canceled by the Clerk. The Township Board shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.
- 3.12. A marijuana facility permit issued under this ordinance is not transferable.

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Section 4. Regulations for Marihuana Facilities

All marihuana facilities permitted under this ordinance shall be subject to the following regulations:

- 4.1. *State Licensing.* An authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to PA 281 of 2016, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
- 4.2. *Zoning Compliance.* Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township zoning ordinance regulations. The facility shall only be operated as long as it remains in compliance with all Township zoning ordinance regulations.
- 4.3. *Building Codes.* Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating medical marihuana facilities, and generally applicable Township police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
- 4.4. *Inspections.* An authorized medical marihuana facility shall consent to inspection of the facility by Township officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.
- 4.5. *Odor.* As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.
 - A. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - B. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
 - C. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - D. Negative air pressure shall be maintained inside the building.
 - E. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

F. An alternative odor control system is permitted if applicant submits and the Township accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The Township may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted. Any costs incurred by the Township in hiring an expert to review the alternative system design shall be paid for by the applicant.

4.6. *Security Cameras.* All medical marijuana facilities shall be equipped with, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.

4.7. *Hours of Operation.* A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 9:00 a.m. and 9:00 p.m.

4.8. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a medical marijuana facility.

Section 5. Initial Permit and Permit Renewal

5.1. The initial marijuana facility permit issued by the Township shall expire on December 31st of the year when the permit is issued, unless revoked as provided by law.

5.2. A valid marijuana facility permit may thereafter be renewed on an annual basis by submitting a renewal application, upon a form provided by the Township, and payment of the annual renewal fee of five thousand dollars (\$5,000). The application to renew a marijuana facility permit must be filed by no later than November 30th of each year.

Section 6. No Vested Rights.

It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marijuana facility a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.

Section 7. Applicability

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marijuana facility were established without authorization before the effective date of this ordinance.

Section 8. Right to Amend or Repeal.

The Township expressly reserves the right to amend or repeal this ordinance in any way including but not limited to complete elimination of or reduction in the type and/or number of authorized medical marihuana facilities authorized to operate within the Township.

Section 9. Violations, Penalties and Enforcement.

- 9.1. If at any time an authorized medical marihuana facility violates this ordinance the Township Board may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed, the Clerk shall cancel the Township authorization.
- 9.2. Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine and costs as set forth in the Charter Township of Madison Civil Infractions Ordinance. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
- 9.3. In addition to being responsible for a civil infraction, the medical facility permit of any licensee who is found to be in violation of any of the provisions of this Ordinance shall be suspended until the violation is cured.
- 9.4. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- 9.5. This Ordinance shall be enforced and administered by the Township Police Department or such other Township officials as may be designated from time to time by resolution of the Board.

**Ordinance
Amended
12/8/2020**

Section 10. Repeal

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 12. Publication and Effective Date.

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating within the Charter Township of Madison, which insertion


shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

YEAS: 7 (roll call vote) _____

NAYS: none _____

ABSENT: none _____

Ordinance declared adopted on February 13th, 2018.



Gary Griewhan
Township Supervisor for the
Charter Township of Madison

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Terry Etter, the duly elected Township Clerk, certify that the foregoing ordinance was properly enacted by the township board of the Charter Township of Madison, Lenawee County, Michigan on February 13th, 2018 and that it was published in the Adrian Daily Telegram on February 20, 2018.

Ordinance
Amended



Terry Etter
Township Clerk for the
Charter Township of Madison

12/8/2020

International Fire Ordinance

An ordinance of the Charter Township of Madison adopting the 2003 edition of the International Fire Code, regulating and governing the safe-guarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Charter Township of Madison; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 7 of the Charter Township of Madison and all other ordinances and parts of the ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Adoption of Code.

The Charter Township of Madison ("Township") hereby adopts by reference the most current edition of The International Fire Code as promulgated and published by the International Code Council, including the appendix chapters and references to NFPA 1, Fire Prevention Code and NFPA 101, Life Safety Code issued by the National Fire Protection Association, copies of which are on file in the office of the Fire Chief of the Township, as the fire code for the Township, for the purpose and intent of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms of such fire code on file in the office of the township clerk are hereby referred to, adopted and made a part hereof as if fully set out in this article, with the additions insertions, deletions and changes, if any, prescribed in this article.

Section 2. References.

References in the Code and supplements to "state" shall mean the State of Michigan; references to "municipality" shall mean the Charter Township of Madison references to the term "corporation counsel" shall mean the attorney for the Township; reference to the "bureau of fire prevention" shall mean the Township Fire Department, reference to the term "fire code official" shall mean the Chief of the Fire Department or his designee.

Section 3. Modifications.

The Fire Chief shall have the power to modify any of the provisions of the fire prevention code upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code be observed, public safety secured, and substantial

justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 4. Code Changes.

The following sections and subsections of the Fire Prevention Code are hereby revised:

- a. Section 101.1 Insert in the blank: "Madison Charter Township"
- b. Section 109.3 Amend in its entirety:

"Section 109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any one of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under provision of the code, shall be deemed responsible for a civil infraction. Penalties may be imposed in fines, plus the costs of prosecution, as set forth in the Charter Township of Madison Civil Infractions and Municipal Ordinance Violations Bureau Ordinance, Ordinance 29, as amended.

Section 109.3.1 Abatement of violation. In addition to the imposition of penalties herein described, any violation of this code shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief or specific performance."

- c. Section 111.4 Amend in its entirety:

"Section 111.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be the subject to the penalty provisions of Section 109.3."

Section 5. Geographic Limits.

The geographic limits referred to in certain sections of the Fire Code are hereby established as follows:

- a. Section 3204.3.1.1: (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Within 1,000 feet of any residence or residential zoning district.
- b. Section 3404.2.9.5.1: (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited:) Within 1,000 feet of any residence or residential zoning district.
- c. Section 340.6.2.4.4: (geographic limits in which the storage of Class I and Class II

liquids in above-ground tanks is prohibited:) Within 1,000 feet of any residence or residential zoning district.

- d. Section 3804.2: (geographic limits in which the storage of liquified petroleum gas is restricted for the protection of heavily populated or congested areas:) Within 1,000 feet of any residence or residential zoning district.

Section 6. Repealer.

Ordinance No. 7 of Madison Charter Township entitled BOCA Fire Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Township Board hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 8. Effective Date.

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption.

Amendment to Ordinance 45

An ordinance to amend Section 3 of Ordinance 45, the Madison Charter Township Prohibition of Marijuana Establishments Ordinance.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Amendment of Section 3

Section 2 of the Madison Charter Township Prohibition of Marijuana Establishments Ordinance is hereby amended, in its entirety, to read as follows:

Section 3. Prohibition.

Except as otherwise permitted in the Marihuana Operations Overlay District pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, Madison Charter Township elects to prohibit both medical and recreational marihuana establishments in all other areas within the Township.

Section 2. Saving Provision.

All sections of Ordinance 45, the Madison Charter Township Prohibition of Marijuana Establishments Ordinance, not amended by this ordinance shall continue in full force and effect.

Section 3. Effective Date

This Ordinance shall become effective upon publication.

YEAS: Griewahn, Gregg, Moden, Bales, Bechtel, Carpenter, Liddel

NAYS: 0

ABSENT: 0

Ordinance declared adopted on 12/8, 2020.

Gary Griewahn
Gary Griewahn
Supervisor for the
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Janet Moden, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township

Sidewalk Ordinance

An Ordinance to protect the public health, safety and general welfare by the adoption of regulations concerning the maintenance, repair, and safety of public sidewalks within the Township; imposing a duty on adjoining or abutting land owners to repair, maintain, or keep safe said sidewalks; to provide standards of proper sidewalk maintenance, construction and repair; to require indemnification of the Township by adjoining or abutting land owners for failure to repair, maintain, or keep safe said sidewalks; and to impose liability on said adjoining or abutting land owners for injuries or damages caused by their failure to perform such maintenance or repair duties.

SECTION 1 NAME

This Ordinance shall be known and cited as the Charter Township of Madison Sidewalk Ordinance.

SECTION 2 PURPOSE

The purpose of this Ordinance is to regulate the repair, construction and maintenance of public sidewalks on/or along a public road to keep them in proper and safe condition for public use; to provide for the imposition of liability upon abutting land owners for injuries or damages caused by a defective sidewalk; to provide for the establishment of sidewalk maintenance districts by the Township Board for the Assessment of the cost of repairs to sidewalks in said districts; to provide standards of proper sidewalk maintenance, repair and construction; and to provide indemnification of the Township for costs of required maintenance and repair not accomplished by abutting or adjacent land owners.

SECTION 3 DEFINITIONS

- 3.1 Sidewalk. A walkway along the margin of a street designated and prepared for the use of pedestrians to the exclusion of vehicles.
- 3.2 Township. Township is the Charter Township of Madison.

SECTION 4 REGULATIONS

- 4.1 The owner or owners of all lots, parcels and premises within the Township are required to maintain, repair and keep safe sidewalks adjacent to or upon their property and premises in or along the public street in the Township.
- 4.2 It shall be the duty of all owners of premises within the limits of the Township to keep all sidewalks which have been heretofore or hereafter laid in front of, upon, or adjacent to such premises, in or along any of the street right of way, in good

repair and free from dangerous ice, snow, or other dangerous obstructions and conditions. Any owner of any such premises who shall allow any such sidewalk to remain in disrepair or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of said sidewalks. Such owner shall further indemnify and reimburse the Township for any and all liability, costs and expenses which the Township might incur as a result of any such defective or dangerous sidewalks.

- 4.3 Whenever any snow shall fall or drift on or across and sidewalk, the owner or occupant of the lot, building or other premises adjacent to or abutting upon the sidewalk or bike path, shall remove such snow or cause the same to be removed within periods of time herein limited:
 - A. Snow that has accumulated in or during the nighttime shall be removed by 6:00 p.m. of the following day;
 - B. Snow falling or drifting during the day shall be removed before 12:00 noon of the following day.
- 4.4 No person shall permit or cause any building material, dirt, sand, excavated material, wood, rubbish, any article or other substance or merchandise to be dropped, delivered, piled or placed in any way above or upon any sidewalk so as to obstruct the sidewalk except by special permission of the Township. Merchandise necessarily delivered on the sidewalks shall be immediately removed to the interior of the address to which it was destined.
- 4.5 Whenever any building material, dirt, sand, excavated materials, wood, rubbish or any other thing, article or substance is left in such condition or quality as to obstruct or be dangerous to public travel, and shall be permitted to remain on any sidewalk during the whole or any part of the night, the property owner and the person who is responsible for such obstruction shall place a suitable number of caution lights and barricades on or about the same to indicate the location and extent of such obstruction to prevent injury to persons and property.

SECTION 5 STANDARDS

- 5.1 All sidewalks or portions thereof hereafter constructed or repaired shall comply with the following specifications:
 - A. All sidewalks shall be constructed to grade established by existing adjoining walks or, in the absence of the foregoing, by the Township Engineer, and shall be paved with a single course of concrete using limestone aggregate, which shall have a compressive strength of not less than 3,500 pounds per square inch within 28 days of paving. Paving bricks may be substituted for concrete when authorized by the Township.
 - B. All sidewalks shall be at least four feet in width. Wider walks to a maximum of eight feet may be required by the Township in commercial or industrial

areas or multiple family areas, due to anticipated traffic and the development of the area.

- C. Paving shall be constructed on at least a two inch thick sand cushion and shall be at least four inches in depth except where across driveways, where it shall be at least six inches in depth. Paving joints shall be perpendicular to sidelines at intervals consistent with adjoining or abutting sidewalks and not greater than the sidewalk width. One-inch expansion joints shall be placed through the walk at least every 50 feet, and between walks and other rigid structures.
- D. The surface shall be roughened with a brush or other equipment to prevent smooth and slippery surfaces.

5.2 Pursuant to the power authorized by Michigan P.A. 80 of 1989, as amended, (MCL 41.288a) a Township board may construct, repair or maintain; or may order the construction, repair and maintenance of sidewalks for the health, safety and general welfare of the residents of the Township after notifying the involved property owners of the time and place of a hearing of such order before the Township Board. Following the hearing it may either construct, repair or maintain the sidewalks and assess the costs to the property involved over a five year period or permit the owners within a specified time to have the sidewalks constructed, repaired or maintained according to Township specifications at their expense. No work shall be commenced until approved by either the Country Road Commission or State Department of Transportation having jurisdiction over the right-of-way within which the sidewalk is located.

5.3 The cost of replacement or repair of a sidewalk to be charged against a property owner shall be based upon actual cost or engineer's estimates, less such public contribution, if any, as the Township Board may authorize.

5.4 The Township Board, in its direction, may also, after replacing a sidewalk, authorize collection of the costs of such replacement or repair by civil action and process or such other means as may be proper for the collection of debts by legal process, including, without limitation, assessment of such costs pursuant to Ordinance 40, the Charter Township of Madison Single Lot Special Assessments Ordinance.

SECTION 6 OWNER CAUSED DEFECTS

Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to, (a) trees or other growth; (b) surface drainage; (c) on-site construction or vehicular traffic; or (d) other on-site activities, the abutting property owner shall be responsible for its repair, maintenance and safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the Township for any damages, costs or expenses

resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing on the same.

SECTION 7 SAVING CLAUSE

Should any section or provision of this Ordinance be declared unconstitutional, unauthorized or invalid, or in conflict with any other section or provision of any ordinance of the Township, by a court of competent jurisdiction, such decision shall not be held to invalidate or impair the validity, force or effect of any other section or provision of this Ordinance.

SECTION 8 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9 EFFECTIVE DATE

This ordinance shall take effect immediately upon publication following its adoption.

YEAS: (_7_) Roll call vote conducted. All board members responded Yes. _____

NAYS: (_0_) NONE _____

ABSENT: (_0_) all present _____

Ordinance Declared Adopted on June 13th, 2017.

Gary Griewahn, Supervisor
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

First reading May 9th 2017 by Clerk Terry Etter.

Second Reading June 13th by Supervisor Gary Griewahn.

I, Terry Etter, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on June 13th, 2017 and published in the Daily Telegram a newspaper circulated in the Charter Township of Madison on June 21st, 2017.

Terry Etter, Clerk
Charter Township of Madison